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New York (City) Charters.

AN ACT

TO

Reorganize the Local Government

OF THE

CITY OF NEW YORK,

*PASSED APRIL 5, 1870,*

AS AMENDED BY CHAPTER 383, PASSED APRIL 26, 1870; AND FURTHER AMENDED  
BY CHAPTER 574, PASSED APRIL 18, 1871.

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**BOARD OF ALDERMEN,**

*April 24, 1871.*

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*DOCUMENT No. 3.*

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NEW YORK:

THE NEW YORK PRINTING CO., PRINTERS TO THE CORPORATION,  
Nos. 81, 83, AND 85 CENTRE STREET.

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1871.

CP 700





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**DOCUMENT No. 3.**

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BOARD OF ALDERMEN,

APRIL 24, 1871.

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A resolution was adopted, that the Clerk of this Board be directed to have the Charter of 1870, with amendments of 1871, printed as a document of this Board.

JOHN HARDY,  
*Clerk.*

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# AN ACT

To reorganize the local government of the city of New York.

Passed April 5, 1870; three fifths being present.

As amended by an act entitled "An act to make further provision for the government of the city of New York," passed April 26, 1870; and further amended by an act entitled "An act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April fifth, eighteen hundred and seventy," passed April eighteen, eighteen hundred and seventy-one.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

## ARTICLE FIRST.

### **The Corporate Powers.**

SECTION 1. The corporation now existing and known Corporate name. by the name of "The Mayor, Aldermen, and Commonalty of the city of New York" shall continue to be a body politic and corporate, in fact and in name, by the same name, and shall have perpetual succession with all the grants, powers, and privileges heretofore held by the mayor, aldermen, and commonalty of the city of New York, and not modified or repealed by the provisions hereinafter made by this act.

## ARTICLE SECOND.

**Of Legislative Power.**

Leg. slaty power her vested

SEC. 2. The legislative power of the said corporation shall continue to be vested in a board of aldermen, and a board of assistant aldermen, who together shall form the common council of the city of New York.

Aldermen how elect ed.

SEC. 3. The board of aldermen shall consist of fifteen members, to be elected upon a general ticket from the city at large.

Assistant aldermen how elect ed.

SEC. 4. The board of assistant aldermen shall consist of one assistant alderman, to be elected in each assembly district.

SEC. 5. Such aldermen and assistant aldermen shall be elected as hereinafter provided.

Aldermen and Assist ants to hold ofice till 1873.

SEC. 6. [*As amended by sec. 10, chap. 574, laws of 1871.*] The aldermen and assistant aldermen who were elected severally as such in May, eighteen hundred and seventy, and who are severally in office at the passage of this act, shall hold and are hereby continued in office until the first Monday in January which will be in the year eighteen hundred and

seventy-three. There shall be aldermen and assistant aldermen elected at the general state election which will occur in the year eighteen hundred and seventy-two, and for a term of two years, and annually every two years thereafter on the day of the general state election. The said term for the aldermen and assistant aldermen shall commence on the first Monday of the January succeeding each said election. All the provisions of law relating to general elections in the city of New York, so far as they may be applicable in respect to the manner of conducting elections or to the canvass and estimate of votes, shall apply to every election for aldermen and assistant aldermen. Any vacancy in the office or offices of aldermen or assistant aldermen occurring or existing from death or resignation or any other cause or contingency before said election in eighteen hundred and seventy-two, shall be filled by the appointment of the mayor, and filed with the clerks of the respective boards.

Election in November, 1872.

Terms to commence.

Election laws to apply.

Vacancies, how filled.

SEC. 7. Each board of the common council shall have power to direct a special election to be held to supply the place of any member whose seat shall become vacant, and the person elected to supply such vacancy shall hold his seat for the residue of the term of his immediate predecessor.

Vacancies, special election to fill.

Quorum.

SEC. 8. The boards shall meet in separate chambers, and a majority of each shall be a quorum.

Organiza-  
tion,  
powers of  
common  
council.

SEC. 9. Each board shall

1. Choose a president from its own members ;
2. Appoint a clerk and other officers ;
3. Determine the rules of its own proceedings ;
4. Be the judge of the returns of election, and the right of election and qualifications of its own members ;
5. Keep a journal of its proceedings ;
6. Sit with open doors, except when the public welfare shall require secrecy ; and
7. Shall have authority to compel the attendance of absent members ; and to punish its members for disorderly behavior ; and to expel a member with a concurrence of two thirds of the members elected to the board.

Effect of  
expulsion.

SEC. 10. Every member expelled from either board shall thereby forfeit all his rights and power as an alderman or assistant alderman.

Meetings.

SEC. 11. The stated and occasional meetings of each board shall be regulated by its own resolutions and rules, and both boards may meet at the same time, or on different days, as they may severally judge expedient.

SEC. 12. Every legislative act of the common council shall be by resolution or ordinance, and every ordinance or joint resolution shall, before it shall take effect, be presented, duly certified, to the mayor for his approval.

Legislative  
acts.

SEC. 13. The mayor shall return such ordinance or resolution to the board in which it originated, within ten days after receiving it, or at the next meeting of such board.

Mayor to  
return  
to board  
originating.

SEC. 14. If he approve it, he shall sign it. If he disapprove, he shall specify his objections thereto. If he do not return it with such disapproval within the time above specified, it shall take effect as if he had approved it.

Approval or  
disapproval.

SEC. 15. Such objections of the mayor shall be entered at large on the journal of the board to which they are sent.

Objections  
entered in  
journal.

SEC. 16. The board to which such ordinance or resolution shall have been returned with objections, shall, after the expiration of not less than ten days thereafter, proceed to reconsider the same, and if, on reconsideration, it shall pass both boards by a vote of at least three fourths of all the members elected to each board, it shall take effect. In all such cases the votes shall be taken by ayes and noes, and the names of the persons voting for or

Proceedings  
on.

against its passage on such reconsideration shall be entered on the journal of each board.

Ordinances to receive assent of both boards.

SEC. 17. No ordinance or resolution shall be valid unless it shall receive the assent of both boards within the term fixed by law to such boards.

May originate in either.

SEC. 18. Any ordinance or resolution may originate in either board, and when it shall have passed one board may be rejected or amended in the other, but no ordinance or resolution shall be passed except by a vote of the majority of all the members elected to each board. But

Three-fourth vote required for expenditures.

in case any ordinance or resolution involves the expenditure of money, the votes of three fourths of all the members elected to each board shall become necessary to its passage. No money shall be expended for any celebration, procession, or entertainment of any kind, or on any occasion, unless by the votes of four fifths of all the members elected to each board. No additional allowance

Four-fifth vote required for celebrations, &c.

beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be passed by the common council except by the unanimous vote thereof.

Unanimous vote required for additional allowances.

Clerks of each board.

SEC. 19. The clerk of the board of aldermen shall, by virtue of his office, be clerk of the common council, and shall perform all the duties heretofore performed by the



clerk of the common council, except such as shall be assigned to the clerk of the board of assistant aldermen; and it shall be his duty to keep open for inspection, at all reasonable times, the records and minutes of the proceedings of the common council, except such as shall be specially ordered otherwise. The clerk of each board shall appoint and remove at pleasure deputy clerks in his department, not to exceed the number now authorized by law or ordinance. The clerk of the common council shall keep the seal of the city; and his signature shall be necessary to all leases, grants, and other documents, as under existing laws.

Powers and duties of.

SEC. 20. It shall be the duty of the clerks of the respective boards to publish all resolutions and ordinances and amendments thereof which shall be introduced or passed, and also the final proceedings, except such parts as may require secrecy; and no vote shall be taken in either board upon the passage of a resolution or an ordinance which shall contemplate any specific improvement, or involve the sale, disposition, or appropriation of public property, or the expenditure of public moneys or income therefrom, or lay any tax or assessment, until after such notice shall have been published at least three days, and whenever any vote shall be taken, such resolution or ordinance shall, before the same shall be sent to the other

Ordinances, &c., to be published.

Notice of to be published before vote on.

Yeas and nays on to be published.

board, or to the mayor, and immediately after the adjournment of the board at which the same shall have been passed, be published with the yeas and nays, and with the names of the persons voting for and against the same as part of the proceedings; and no resolution or ordinance which shall have passed one board shall be acted upon by the other board on the same day. [*Amended by adding*

Official journal to be designated.

*the following—sec. 1, chap. 574, laws of 1871.* On or before the first Monday of June of each and every year, the mayor and comptroller shall, by a certificate in writing filed in the office of said comptroller, designate one daily paper published in the city of New York to be the official journal of said city, and in which shall be published all matters herein required to be published, as well as every notice or advertisement, corporation or legal, which may be required by law or ordinance to be published in one or more papers in the said city or county. If such notice or advertisement is required to be published in only one paper, then such publication shall be in said paper; but if such notice or advertisement is required to be published in more than one paper, then one of such requisite papers shall be the paper so designated as the official journal. The mayor and comptroller shall also, in writing to be filed in the office of said comptroller, designate from time to time nine morning or

What to be published therein.

Other corporation papers to be designated.

evening daily newspapers and nine weekly newspapers published in the city of New York, to publish such digest of the proceedings of the common council as may be prepared and authorized under the direction of said mayor and comptroller, and also to publish such notices or advertisements required by law or ordinance to be published in corporation papers, which designations shall be authority to the several newspapers so as aforesaid designated to publish as aforesaid. No publication of corporation proceedings, or notices or advertisements, as aforesaid, shall be legal except in the newspapers selected as above provided, and no money shall be paid from the city treasury for advertising for the city thereafter except to the newspapers so selected. It shall be the duty of any officer authorizing any publication in either of said papers to furnish an order signed by him or by his authority as to the publication thereof, and such order shall be attached to all bills paid; and no bills shall be paid without such order be attached, and in addition the bills shall always be certified by the officer under whose direction such publication is made. But no final judgment against the said city heretofore obtained or which may hereafter be obtained for the publication of any such advertisements shall be allowed or paid from the treasury of said city, unless such adver-

What to be published therein.

No other publication legal or to be paid for.

Order for publication to be furnished.

certified.

Judgments ing.

tisements were published in those newspapers which may be designated by the mayor and comptroller in pursuance of this section, and no execution shall be issued on any final judgment based upon any claim for such advertisements in any newspaper unless in such newspaper to be designated as herein provided.]

*Jurisdiction  
of common  
council to  
pass ordi-  
nances.*

SEC. 21. The common council shall have power to make, continue, modify, and repeal such ordinances, regulations, and resolutions as may be necessary to carry into effect any and all of the powers now vested in or by this act conferred upon, the corporation, and shall have power to enforce obedience thereto and observance thereof, by ordaining penalties for each and every violation thereof, in such sums as it may deem expedient, not exceeding one hundred dollars; and shall have power to make such ordinances, and with such penalties, in the matters and for the purposes following, in addition to other powers elsewhere specially granted, viz. :

1. To regulate traffic and sales in the streets, highways, roads, and public places.
2. To regulate the use of the streets, highways, roads, and public places by foot passengers, vehicles, railways, and locomotives.
3. To regulate the use of sidewalks, building-fronts, and house-fronts within the stoop lines.

4. To prevent and remove encroachments upon and obstructions to the streets, highways, roads, and public places. Powers of common council.

5. To regulate the opening of street surfaces, the laying of gas or water mains, the building and repairing of sewers, and erecting gas-lights.

6. [To provide for and regulate the opening, widening and extending of streets below Fourteenth street. *This subdivision repealed by section 30, chap. 383, laws of 1870.*]

7. To regulate the numbering of the houses and lots in the streets and avenues, and the naming of the streets, avenues, and public places.

8. To regulate and prevent the throwing or depositing of ashes, offal, dirt, or garbage in the streets.

9. To regulate the cleaning of the streets, sidewalks, and gutters, and removing ice, hail, and snow from them.

10. To regulate the use of the streets and sidewalks for signs, sign-posts, awnings, awning-posts, and horse-troughs.

11. To provide for and regulate street pavements, cross-walks, curbstones, gutter-stones, and sidewalks.

12. To regulate public cries, advertising noises, and ringing bells in the streets.

13. In regard to the relation between all the officers

and employés of the corporation in respect to each other, the corporation and the people.

14. In relation to street beggars, vagrants, and mendicants.

15. In relation to the use of guns, pistols, firearms, firecrackers, fireworks, and detonating works of all descriptions within the city.

16. In relation to intoxication, fighting, and quarrelling in the streets.

17. In relation to places of public amusement.

18. In relation to exhibiting or carrying banners, placards, or flags in or across the streets or from houses.

19. In relation to the exhibition of advertisements or handbills along the streets.

20. In relation to the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, and sewers.

21. In relation to partition fences and walls.

22. In relation to the construction, repair, care, and use of markets, [docks, wharves, piers, and slips. *These words repealed by provisions of chap. 383, laws of 1870, relating to department of docks.*]

23. In relation to the licensing and business of public cartmen, truckmen, hackmen, cabmen, expressmen, boat-

men, pawnbrokers, junk dealers, hawkers, peddlers, and venders. Powers of common council.

24. In relation to the inspection and sealing of weights and measures, and enforcing the keeping and use of proper weights and measures by venders.

25. In relation to the inspection, weighing, and measuring of firewood, coal, hay, and straw, and the cartage of the same.

26. In relation to the mode and manner of suing for, collecting, and disposing of the penalties provided for a violation of all ordinances.

27. And for carrying into effect and enforcing any of the powers, privileges, and rights at any time granted and bestowed upon or possessed by the said corporation.

SEC. 22. The common council shall have no power to impose taxes or assessments, or borrow money, or contract debts, or loan the credit of the city, unless specially authorized so to do by act of the legislature, and all the legislative power of the city shall be subordinate to and be exercised in conformity with such special grants, restrictions, or limitations, as are now or hereafter may be prescribed by the legislature. Restriction on powers of common council.

## ARTICLE THIRD.

**Of the Executive Power.**Executive  
power.

SEC. 23. The executive power of the corporation shall be vested in the mayor and the departments herein created.

Mayor, elec-  
tion and  
term of of-  
fice of.

SEC. 24. The mayor shall be the chief executive officer of the corporation; shall be elected at a general election, and hold his office for the term of two years, commencing on the first day of January next after his election. The first election for mayor shall be at the general election in November, in the year eighteen hundred and seventy.

Acting  
mayor, who  
to be.

SEC. 25. Whenever the mayor shall be under impeachment or there shall be a vacancy in the office of the mayor, or whenever by sickness, absence from the city, or other cause, he shall be prevented from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor, except as hereinafter provided in regard to appointments to office during such disability, or, in case of a vacancy, until the next general election. But it shall not be lawful for the president of the board of aldermen, when acting as mayor, to sign or approve of any ordinance or resolution of the common council, unless the sickness, disability, or absence of the mayor shall have continued at least ten days.

Power of  
acting  
mayor.Restrictions  
on.



SEC. 26. Whenever there is a vacancy in the office of mayor before the expiration of a term, there shall be an election for mayor at the next general election, and the person then elected shall hold for the full term of two years from the first day of January next ensuing.

Vacancy  
in office of  
mayor—how  
filled and  
term of of-  
fice.

SEC. 27. It shall be the duty of the mayor :

Duties of  
mayor. .

1. To communicate to the common council, at least once a year, a general statement of the finances, government, and improvements of the city.

2. To recommend to the common council all such measures connected with the security, health, cleanliness, and ornament of the city, and the protection and improvement of its government and finances, as he shall deem expedient.

3. To be vigilant and active in causing the ordinances of the city and laws of the state to be executed and enforced, and for that purpose may call together for consultation and co-operation all other heads of the city departments.

4. And generally to perform all such duties as may be prescribed for him by city ordinances and the laws of the state, and to be responsible for the good order and efficient government of the city.

SEC. 28. The mayor may appoint such clerks and subordinates as he may require to aid him in the discharge of his official duties. [*Amended by adding the following—sec. 11, chap. 574, laws of 1871.* And the mayor shall be an ex-officio member of the board of police and of the board of health, with every right, power, and privilege appertaining to any member of said boards, excepting increase of salary or voting for the appointment of patrolmen of the police force.]

## ARTICLE FOURTH.

### **Of the Co-ordinate City Departments generally.**

SEC. 29. All the heads of departments hereinafter mentioned, except of the departments of finance and law, shall be appointed by the mayor, as hereinafter provided. Any provision of law giving to the governor power to remove any officer of the city government referred to in this act is hereby repealed. The common council shall have the power of impeachment of the mayor by resolution of two thirds of all the members elected in each board. The mayor shall have the power of impeaching all heads of departments. In case the mayor shall be impeached his assent to the resolution shall not be requisite. The court for the trial of impeachments shall be the full court of common pleas of the city and county of New

Mayor to appoint clerks, &c.

To be member of police and health boards.

Heads of departments, how appointed.

Impeachment of mayor and heads of departments.

Trial of.

York. It shall be the duty of the said court to define, by rule, the mode of impeachment and trial of charges. If the court decide that the charges are sustained, the office of the impeached officer shall become vacant.

SEC. 30. There shall be the following other departments Co-ordinate departments,  
in said city:

Finance Department.

Law Department.

Police Department.

Department of Public Works.

Department of Public Charities and Correction.

Fire Department.

Health Department.

Department of Public Parks.

Department of Buildings.

Department of Docks.

Department of Public Instruction.

[*A board of street openings is added—see sec. 119.*]

SEC. 31. The said departments shall, at such times as To report to mayor,  
the mayor may direct, make to him, in such form and under such rules as he may prescribe, reports of the operations and action of the same and each of them, and shall always, when required by him, furnish to him such information as he may demand within such time as he may direct.

H<sup>e</sup>ads of, to  
a<sup>p</sup>point  
s<sup>u</sup>bs<sup>o</sup>rd<sup>i</sup>nates.

SEC. 32. The heads of all departments, except as otherwise specifically directed herein, shall have power to appoint and remove all chiefs of bureaux (except the chamberlain), as also all clerks, officers, employés, and subordinates, in their respective departments. The number of all officers, clerks, employés, and subordinates in every department, except the police and fire departments, with their respective salaries or compensation, shall be such as the head of each department shall designate and approve, except that the aggregate expense thereof shall not exceed the total amount duly appropriated by law to each department for such purposes.

E<sup>x</sup>penses of,  
to be limited  
by law.

## ARTICLE FIFTH.

### Of the Finance Department.

F<sup>i</sup>nance de-  
partment,  
p<sup>o</sup>wers and  
d<sup>u</sup>ties of.

SEC. 33. The finance department shall have control of all the fiscal concerns of the corporation, and of the appropriations made for carrying on the business of the corporation. It shall prescribe the forms of keeping and rendering all city accounts, and the manner in which all salaries shall be drawn, and the mode by which all creditors, officers, and employés of the corporation shall be paid.

A<sup>c</sup>counts  
of other de-  
partments.

SEC. 34. All accounts rendered to or kept in the other departments shall be subject to the inspection and re-

vision of the officers of this department; and it shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned as debtor or creditor.

SEC. 35. [*As amended by sec. 35, chap. 574, laws of 1871.*] The chief officer of the finance department shall be called the comptroller of the city of New York, and he shall be appointed for a term of five years by the mayor. The appointment of a comptroller of the city of New York made during the year eighteen hundred and seventy by the mayor is hereby confirmed. The mayor shall fill any vacancy in the office of comptroller by appointment for a full term of five years. The comptroller shall report to the mayor once in ninety days the name of every person in whose favor an account has been audited, with the decision of the auditor upon the same, together with the final action of the comptroller thereon; and also such further information in relation to the finances of the city as in his judgment the public interests may require.

Comptroller.

Appoint-  
ment con-  
firmed.Vacancy,  
how filled.To make  
quarterly re-  
ports.

SEC. 36. [*As amended by sec. 3, chap. 574, laws of 1871.*] The comptroller of the city of New York shall appoint and at pleasure remove a deputy comp-

Deputy  
comptroller.

Powers and  
authority.

troller. The said deputy comptroller shall, in addition to his other powers, possess every power and perform all and every duty belonging to the office of comptroller, whenever the said comptroller shall by due written authority, and during a period to be specified in such authority, designate and authorize the said deputy comptroller to possess the power and perform the duty aforesaid, and such designation and authority shall be duly filed in and remain of record in the finance department. The said deputy comptroller shall possess the like authority in case of the disability of the comptroller upon the like designation of the mayor, which shall be filed and remain of record as aforesaid.

Comptroller.

Appoint-  
ment.

§ 31. [*Of chap. 383, laws of 1870.*] The comptroller of the city of New York shall hereafter be appointed by the mayor elected for said city, and not by an acting mayor, as other heads of departments are appointed [under the provisions of the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, eighteen hundred and seventy], and shall hold his office for the period of four years, as now provided, except that the person first appointed under this authority shall hold his office until the first day of January, eighteen hun-

dred and seventy-five, subject to the provisions of the said act. The term of office of the present comptroller of said city shall end at the expiration of five days from the passage of this act. The mayor shall make the first appointment herein provided for within five days from the passage of this act. Any provision of law inconsistent with this section is hereby repealed.

SEC. 37. There shall be the following bureaux in this department :

1. A bureau for the collection of the revenue accruing from rents, and interest on bonds and mortgages, revenue arising from the use or sale of property belonging to or managed by the city ; the chief officer of which bureau shall be called the " collector of city revenue." Bureau for collection of rents, &c.

2. A bureau for the collection of taxes ; the chief officer of which shall be called the " receiver of taxes," and he shall have all the powers and perform all the duties heretofore prescribed by law for the receiver of taxes. For collection of taxes.

3. A bureau for the collection of arrears of taxes, assessments, and water rents ; the chief officer of which shall be called " clerk of arrears." For collection of arrears.

4. An auditing bureau, which shall audit, revise, and settle all accounts in which the city is concerned as debtor For auditing accounts.

or creditor, and which shall keep an account of each claim for or against the corporation, and of the sums allowed upon each, and certify the same to the comptroller, with the reasons for the allowance; the chief officer of which shall be called "auditor of accounts."

**Of licenses.** 5. A bureau of licenses; the chief officer of which shall be called "register of licenses."

**Of markets.** 6. A bureau of markets; the chief officer of which shall be called "superintendent of markets."

**Chamberlain.** 7. A bureau for the reception of all moneys paid into the treasury of the city, and for the payment of money on warrants drawn by the comptroller and countersigned by the mayor; the chief officer of which shall be called the "chamberlain."

**Duties of.** SEC. 38. The chamberlain shall keep books showing the amounts paid on account of the several appropriations, and no warrants shall be paid on account of any appropriation after the amount authorized to be raised by tax for that specific purpose shall have been expended. Any vacancy in the office of chamberlain shall be filled by the mayor for the term now designated by law.

**Vouchers for expenditures.** SEC. 39. All moneys drawn from the city treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the auditor, and approved by the comptroller, and filed in his office.



## ARTICLE SIXTH.

**Of the Law Department.**

SEC. 40. The law department shall have the charge and conduct of all law business of the corporation and of its departments, except when any department shall have or employ a separate attorney or counsel, and for whom there is an appropriation, and all other law business in which the city shall be interested; the charge and conduct of the legal proceedings necessary in widening, opening, or altering streets; and shall, whenever so applied to by the comptroller, draw the leases, deeds, and other legal papers connected with the finance department.

Law department, duties of.

SEC. 41. [*As amended by sec. 4, chap. 574, laws of 1871.*] The chief officer of the law department shall be called the counsel to the corporation. The term of office of the present incumbent of the office of corporation counsel and who was heretofore elected is hereby confirmed and continued until the first day of January, eighteen hundred and seventy-three, being the end of the term of four years from the time of his election. Hereafter the counsel to the corporation shall be appointed by the mayor for a term of four years. Any vacancy hereafter existing in said office by death, resignation, or otherwise, shall be filled by appointment of the mayor for a full term of four years.

Corporation counsel.

Term of office.

Appointment hereafter.

Vacancy, how filled.

Corporation attorney.

Public administrator.

Term of office of corporation attorney.

To appoint clerks.

Their salaries.

Salaries.

Dismissal of action.

SEC. 42. There shall be a bureau in this department, the chief officer of which shall be called the "corporation attorney," and a bureau, the chief officer of which shall be called the "public administrator." [*Amended by adding the following words—sec. 13, chap. 574, laws of 1871.* The term of office of the corporation attorney shall be four years, and he shall hold his office subject to removal for the causes and in the manner in which the counsel to the corporation may be removed. The said corporation attorney may appoint and remove the clerks, assistant clerks, and employés in the bureau of the corporation attorney, and they shall each receive a stated annual salary to be fixed by the comptroller and paid as other city officers are paid.]

§ 1. [*Of chap. 383, laws of 1870.*] \* \* \*

The counsel to the corporation and the corporation attorney shall receive an annual salary, to be fixed by the comptroller, not exceeding the annual compensation paid to the recorder of said city, and it shall not be lawful for the said attorney to dismiss any action or complaint, unless the costs thereon are paid, or unless the said attorney shall sign and file in his office a certificate expressing the reason therefor. \* \* \* Any provision of law inconsistent herewith is hereby repealed.

## ARTICLE SEVENTH.

**The Police Department.**

SEC. 43. The department of police shall consist of a Police department. board of police composed of four commissioners, and said board shall be the head of said department. The commissioners shall be first appointed for respective terms Commissioners, appointment and term of office. of eight, seven, six, and five years. For vacancies occurring, or for terms succeeding expiration of office, the term of office to each commissioner shall be eight years. Each member of the board of police shall receive an annual Salary of. salary equal to the salary designated to the recorder of the city of New York.

SEC. 44. [*As amended by sec. 21, chap. 383, laws of 1870.*] The police force shall be appointed by said Police force, how appointed. board and shall be composed of a superintendent, three inspectors, and as many captains of police, sergeants of police, patrolmen, and doormen What composed of. of police, and as many surgeons, clerks, and employés of the police as the board of police may, from time to time, determine, not exceeding the respective numbers authorized by law, for duty in the city of New York, under appointment from the board of metropolitan police, and the additional authority con-

Fire  
marshal.

ferred from time to time. The board of police shall have the power to appoint a fire marshal, chief clerk, and assistant clerk, who shall hold office during the pleasure of the board, and such board, marshal, and clerks shall have the like powers and perform the like duties as those provided by chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-eight, so far as they are applicable to the city of New York, and the compensation of such marshal and clerks shall be the same as now fixed in and by said acts.

Salary.

Removal  
only on  
charges.

SEC. 45. All members of the police force (except the superintendent) shall be removable only after written charges shall have been preferred against them; and after the charges shall have been examined into, after such kind of notice to the person charged, and in such manner of examination, as the rules and regulations of the board of police may prescribe. The superintendent, surgeons, clerks, and employés shall be appointed and removed at pleasure by the board of police.

Certain  
officers of,  
removable at  
pleasure.

Government  
of.

SEC. 46. The government and discipline of the police department shall be such as the board may, from time to time, by rules and regulations, prescribe.

SEC. 47. Every person connected with the metropolitan

police department at the time this act shall take effect, and designated to do duty in the city of New York, and except as otherwise herein ordered, shall continue in office and be transferred by operation of this act to the department herein created, and the amount of salary or compensation now paid to such person in the metropolitan police district shall be the salary and compensation fixed for his transferred office under this act.

Metropolitan  
police to be  
transferred.

Salaries of.

SEC. 48. No person shall ever be appointed to membership in the police force, or continue to hold membership therein, who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot read and write understandingly in the English language, or who shall not have resided within the state during one year next preceding his appointment.

Who eligible.

SEC. 49. [*As amended by sec. 22, chap. 383, laws of 1870.*] The board of police may, upon any emergency, or apprehension of riot, tumult, mob, insurrection, pestilence, or invasion, appoint as many special patrolmen, without pay, from among the citizens, as it may deem desirable, and may demand the assistance of the military of the first division, or of any brigade, regiment, battalion, or company thereof, by order, in writing, served upon the commanding

Special  
police.

May demand  
military  
assistance.

officer of such division, brigade, regiment, battalion, or company; and it shall be the duty of the commanding officer so served, to order out, in aid of the civil authorities, the military force, or any part thereof, under his command.

Powers of special police.

SEC. 50. During the service of any special patrolman authorized as aforesaid, he shall possess all the powers, privileges, and perform all the duties that may be by orders, rules, and regulations from time to time prescribed. Every such special patrolman shall wear a badge, to be prescribed and furnished by the board of police.

Badge.

Resignation of police restricted.

SEC. 51. No member of the police force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the board of police. Unexplained absence, without leave, of any member of the police force, for five days, shall be deemed and held to be a resignation by such member, and accepted as such.

Penalty for absence of.

Station-houses, &c., to be provided.

SEC. 52. The common council shall provide such office and business accommodations, station-houses, apparatus, and articles, as the department of police shall deem requisite for the transaction of the business of the police department, and shall duly make requisition for.

SEC. 53. The board of police shall have power to issue subpœnas, tested in the name of its president, to compel the attendance of witnesses upon any proceedings authorized by its rules and regulations. Each commissioner of police, or the chief clerk, are hereby authorized and empowered to administer affirmations and oaths to any persons summoned and appearing in any matter or proceeding, authorized as aforesaid, or to take any depositions necessary to be made under the orders, rules, and regulations of the board of police, or for the purposes of this act. Any wilful and corrupt false swearing, by any witness or person, to any material fact in any necessary proceeding under the said orders, rules, and regulations, or under this act, shall be deemed perjury, and punished in the manner now prescribed by law for such offence. The provisions and procedure of section three of an act entitled "An act to enable the common council of the city of New York to take testimony in matters referred for investigation or inquiry," passed February eighth, eighteen hundred and fifty-five, are hereby applied to the case of any witness subpœnaed under this section.

Powers of board of police.

May administer oaths.

Penalty for false swearing.

SEC. 54. The board of police may, from time to time, but with especial reference to locating the same as centrally in precincts as possible, establish stations and station-houses, or sub-stations and sub-station houses, at least one to each

May establish stations, &c.

precinct, for the accomodation thereat of members of the police force, and as places of temporary detention for persons arrested, and property taken within the precinct.

May make rules.

SEC. 55. The board of police are empowered, in their discretion, to enact, modify, and repeal, from time to time, orders, rules, and regulations of general discipline of the subordinates under their control, but in strict conformity to the provisions of this article.

Powers of police.

SEC. 56. The members of the police force shall possess in the city of New York, and in every part of this state, all the common-law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest, issued by any magistrate of this state, may be executed in any part thereof, by any member of the police force, and all the provisions of sections seven, eight, and nine, of chapter two, title two, part four of the revised statutes, in relation to the giving and taking of bail, shall apply to this act.

Execution of warrant.

To convey persons arrested before nearest magistrate immediately.

SEC. 57. [*As amended by sec. 23, chap. 383, laws of 1870.*] Each member of the police force, under the penalty of ten days' fine, or dismissal from the force, at the discretion of the board, shall, immedi-



ately, upon an arrest, convey, in person, the offender before the nearest sitting magistrate, that he may be dealt with according to law. If the arrest is made during the hours that the magistrate does not regularly hold court, or if the magistrate is not holding court, such offender may be detained, in a station-house or precinct thereof, until the next public sitting of the magistrate, and no longer, and shall then be conveyed without delay before the magistrate, to be dealt with according to law. And it shall be the duty of the said board, from time to time, to provide suitable rules and regulations to prevent the undue detention of persons arrested, which rules and regulations shall be as operative and binding as if herein specially enacted.

No undue  
detention of  
persons  
arrested.

SEC. 58. No person holding office under this department shall be liable to military or jury duty, nor to arrest on civil process, or, whilst actually on duty, to service of subpoenas from civil courts.

Exemptions  
of police.

SEC. 59. [*As amended by sec. 24, chap. 383, laws of 1870.*] The common council shall provide suitable accommodations for the detention of witnesses (unless the board of police shall do so as hereinafter provided) who are unable to furnish security for their

House for  
the deten-  
tion of  
witnesses.

appearance, in criminal proceedings ; and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct, and be in command of a sergeant of police. And it shall be the duty of all magistrates, when committing witnesses in default of bail, to commit them to such house of detention of witnesses, and in committing witnesses to have regard to the rules and regulations of the board of police in respect to time of detention. The board of commissioners of police are hereby authorized, in their discretion, to cause the building now used as the fourteenth precinct station-house to be used as the house for the detention of witnesses ; and in which case the board of police are authorized and directed to take possession of the premises now used as a house for the detention of witnesses in Mulberry street, for a station-house for the fourteenth precinct. And the moneys heretofore raised for the purpose of building station-houses in the eleventh and fourteenth precincts, are hereby transferred to, and the board of police are hereby authorized to use the same in building a suitable station-house for the fourteenth precinct, and any balance remaining may be used by the board of police in altering and fitting up the house for the detention of witnesses.

SEC. 60. The board of police shall have power, in its discretion, on conviction of a member of the force of any legal offence or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, or dismissal from the force, but no more than ten days' pay shall be forfeited and withheld for any offence. All such fines shall be paid forthwith to the chamberlain to the account of the police life insurance fund.

Police force,  
penalties  
incurred by.

SEC. 61. Every member of the police force shall have issued to him, by the board of police, a proper warrant of appointment, signed by the president of the said board, and chief clerk, or first deputy, which warrant shall contain the date of his appointment and his rank.

Warrants of  
appointment  
of.

SEC. 62. Each member of the police shall take an oath of office, and subscribe the same before an officer of police who is empowered to administer an oath.

Oath of  
office of.

SEC. 63. It shall be the duty of the superintendent of police to detail, on each day of election, at least two patrolmen to each election poll.

Duties of, at  
elections.

To prevent  
erection of  
booths at  
elections.

SEC. 64. It shall be the duty of the police force, or any member thereof, to prevent any booth, or box, or structure for the distribution of tickets at any election, from being erected or maintained within one hundred and fifty feet of any polling place within the city, and to summarily remove any such booth, box, or structure, or close and prevent the use thereof.

Duties of  
surgeon of.

SEC. 65. The duties of the police surgeons, and the extent and bounds of their districts, shall be assigned from time to time by the rules and regulations of the board of police.

Disposition  
of life  
insurance  
and reward  
fund.

SEC. 66. [*As amended by sec. 25, chap. 383, laws of 1870.*] The board of metropolitan police shall, immediately upon the passage of this act, ascertain, state, and declare, what portion of the police life insurance fund, and of the reward fund, respectively, of the said metropolitan police, belongs to, or should be set apart for, the police of the city of New York; and upon such statement being made, a division of such fund shall be made, and the amount so found to be the portion of the police of the city of New York shall be paid over to the chamberlain of the city of New York, as trustee, for the benefit of the police of the city of New York, as contemplated in the creation of said funds. All fines imposed by the

board of police upon the members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments that may be paid and given for account of extraordinary services of any member of the police force (except when allowed to be retained by said member), and all moneys remaining for the space of two years in the hands of the property-clerk, or arising from the sale of unclaimed goods, and all proceeds of suits for penalties under this act, shall be deposited and paid into the bank wherein the chamberlain shall keep an account. The payments so made shall constitute and be deposited and kept as a fund, to be called the "police life insurance fund," and the person who shall, from time to time, fill the office of chamberlain, shall be the trustee of the said fund, and may, from time to time, invest the same, in whole or in part, as he shall deem most advantageous for the objects of such fund, and is empowered to make all necessary contracts and take all necessary remedies in the premises. And the said chamberlain shall succeed the present trustees of the police life insurance fund of the metropolitan police department, and said fund shall be delivered over, on demand, to the said chamberlain by the parties or the institution now holding it. But all annuities now

Police life  
insurance  
fund,  
chamberlain  
to be trustee  
of.

chargeable upon said fund shall be maintained inviolate. The board of metropolitan police shall, immediately upon the passage of this act, ascertain, state, and declare, which of the last said annuities shall be a charge upon, and paid out of the portion of the police life insurance fund for "the police of the city of New York," and upon such statement being made, the annuities therein stated to be chargeable on the "police life insurance fund," for the city of New York, shall be chargeable on the latter fund only.

Property of  
metropolitan  
board,  
division of.

SEC. 67. The board of metropolitan police shall also immediately ascertain what interest the city and county of New York has in any property used for general police purposes of said district, within the other counties of the metropolitan police district, in order to a future adjustment thereof.

Stolen  
property to  
be kept by  
property-  
clerk.

SEC. 68. All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be hereafter taken into the custody of any member of the police force, or criminal court in the city of New York, or which shall come into custody of any police justice, shall be, by such member or justice, or by order of said court, given into the custody of and kept by the property-clerk of the police,

and all such property and money shall be particularly registered by said property-clerk in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the time of the seizure, and any final disposition of such property and money.

SEC. 69. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought, with such claimant and the person arrested, before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent of the offence alleged, and that the property rightfully belongs to him, then said magistrate may thereupon, in writing, order such property or money to be returned, and the property-clerk, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent, or clerk of such accused person.

Property or  
money taken  
from persons  
under arrest.

When to be  
returned.

SEC. 70. If any claim to the ownership of such property or money shall be made on oath before the magistrate, by or in behalf of any other persons than the person arrested, and the said accused person shall be held for trial or examination, such property or money shall remain

When to be  
retained.

in the custody of the property-clerk until the discharge or conviction of the persons accused.

To be registered and advertised.

SEC. 71. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of the said police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted, as soon as practicable, to the property-clerk, to be duly registered and advertised for the benefit of all persons interested, and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

When to be sold.

SEC. 72. All property and money that shall remain in the custody of the property-clerk for the period of six months without any lawful claimant thereto, after having been three times advertised in public newspapers, shall be sold at public auction, and the proceeds of such sale shall be paid into the police life insurance fund.

Disposition of proceeds of.

May be used as evidence.

SEC. 73. If any property or money placed in the custody of the property-clerk shall be desired as evidence in



any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court; such property, however, shall not be retained in said court, but shall be returned to said property-clerk, to be disposed of according to the previous provisions of this act.

SEC. 74. Upon the appointment of the commissioners of police first mentioned in this act, or a majority of them, they shall organize as the board of police of the police department of the city of New York, and the board of metropolitan police shall, on demand, turn over to the board of police hereby created all the property, real and personal, and books and records in the use or possession of said board of metropolitan police, within the limits of the city and county of New York, for the use and purposes of the police department by this act established; and the said board of police of the police department of the city of New York are hereby authorized and empowered, immediately upon entering upon the duties of their office, to take possession of the same for such uses and purposes, and to hold the same, subject to the control and superior title therein of the city and county of New York. Immediately upon the passage of this act, the treasurer of the metropolitan police department shall make to the comptroller of the city of New York a de-

Board of  
police to  
organize.

Metropolitan  
police prop-  
erty to be  
turned over.

Treasurer of  
metropoli-  
tan police to  
report state-  
ment of  
property and  
funds.

tailed statement of all the property, real and personal, belonging to the metropolitan police department in the city and county of New York. If any proportion of the cost of any such property shall have been borne by the metropolitan police district at large, the proportion paid by each county of such metropolitan police district, for such property, shall be stated. And the comptroller of the city of New York shall report such proportionate expense, borne by other counties, to the supervisors of the county of New York, and said supervisors shall cause to be levied and raised upon the estates, real and personal, in such county, subject by law to taxation, in the year eighteen hundred and seventy, such amount as may be necessary to reimburse such other counties such proportion, and shall thereafter immediately make such reimbursement.

Other counties to be reimbursed.

State treasurer to turn over money to comptroller.

SEC. 75. The moneys raised in the city and county of New York for the proportion of the said city and county, of the expenses of the metropolitan police district remaining unexpended, shall be paid over by the officer or officers in whose hands soever the same may be, to the comptroller of the city of New York immediately upon the passage of this act; and it shall be the duty of the treasurer of this state to transmit all such moneys remaining in the state treasury to the comptroller of said city. The moneys so coming into the hands of the comptroller of

the city of New York shall be applied first to the expenses incurred and remaining unpaid, if any there be, on account of the metropolitan police in the city and county of New York, and then to the payment of the expenses of the police department created by this act, as from time to time may be necessary. The board of police hereby established shall annually, on or before the first day of December, make an estimate of the sum of money which will be required for expenses necessary to the administration and conduct of the board of police for the year next ensuing, and shall submit such estimate to the mayor, comptroller, and president of the said board of police, who shall, on or before the fifteenth day of December, consider and revise such estimate, and shall fix and determine the amount which said board of police shall be authorized to expend during such year, and such amount, when established by said mayor, comptroller, and president of the board of police, shall thereby become appropriated. The amount thus established shall be certified to the board of supervisors of the county of New York by the comptroller, and the said board of supervisors are empowered and directed annually to cause the amount thereof to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York. The comptroller, from time to time, is authorized to borrow upon revenue bonds, accord-

Application thereof.

Estimates of expenses required.

Moneys for, how raised.

May be borrowed in certain cases.

ing to law, in anticipation of the said taxes, whatever sum he may deem necessary for the use and purposes of the said department, not exceeding in any one year the amount which may be appropriated for said year as herein provided.

Powers of metropolitan board, when to cease.

SEC. 76. Upon notice to the board of metropolitan police by the commissioners first appointed under this act, of their appointment and qualification, the powers and duties of the said board of metropolitan police, and of the officers of the said board (except as herein provided), shall cease and be no longer operative within the city and county of New York. All powers and duties of the board of metropolitan police and of the members of the metropolitan police force, heretofore exercised according to law, and all the provisions of law which related to the police of the metropolitan police district, so far as they are not respectively in conflict or inconsistent with the provisions of this act, are hereby devolved upon the police department herein created and upon the police force hereby established, and shall be extended and applied to the police and police department created by this act.

Devolved upon police department

§ 18. [*Of chap. 383, laws of 1870.*] The police department [created by the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, eighteen

hundred and seventy,] is hereby authorized and empowered in its name, or in the name of its president or treasurer, to take and prosecute any appropriate action or proceeding in any court of record, which the board of police of the metropolitan police district or its treasurer, or any other public officer or officers, but for the passage of said act, and of any other act passed since the first of January, eighteen hundred and seventy, could have taken and prosecuted, to compel the county of Richmond, or the board of supervisors of that county, or any other officer of that county, to make payment of the sums due from and owing by said county of Richmond, by reason of the failure of said county and its officers to pay to the said board of metropolitan police, or to the treasurer of said board of police, or into the treasury of the state, the moneys required to pay the salaries and compensation of the members of the police force of the metropolitan police district, doing duty in said county of Richmond, and defray the other lawful expenses of said police force, chargeable upon the said county of Richmond, as specified in the annual financial estimates heretofore made by the said board of metropolitan police, and all moneys that may be so collected shall be paid to the chamberlain of the city of New York; the moneys so due and owing, having been advanced by the said board of metro-

County of  
Richmond  
to be  
prosecuted.

politan police, out of moneys raised in and contributed to the metropolitan police fund by the county of New York.

Addition to  
income of  
police life  
insurance  
fund.

§ 19. [*Of chap. 383, laws of 1870.*] As an addition to the sources of income of the police life insurance fund of the police force of New York city, there shall be taken monthly, out of the moneys deducted from the pay of members of said police force, on account of lost time, a sum calculated at the rate of fifty cents per month for each member of such force, which sum shall be paid to the chamberlain of the city of New York, and invested by him as part of the police life insurance fund of the police of New York city. Such portion of the "metropolitan reward fund" as shall belong or be awarded to the city of New York in the division thereof, shall be paid over to the chamberlain of the city of New York as trustee of the police life insurance fund, and shall be and become a part of said last-named fund and be invested as such. The board of police of the police department of the city of New York shall have power in their discretion (whenever in their opinion the interests of the department will be benefited thereby), by resolution to be adopted by a unanimous vote and expressing thereon such opinion, to dismiss from office in such police department, any captain or ser-

geant, and place the person so dismissed on the pension roll of said police life insurance fund, and allow him an annual retiring pension of (not exceeding in amount) one half the annual salary or compensation of such office. And said board may in like manner dismiss from office in said department any patrolman, and place the person so dismissed upon the said pension roll, and allow him an annual retiring pension of not exceeding four hundred dollars per annum. All work to be done or supplies to be furnished, or other expenditure made for or on behalf of the said police department, shall be done, furnished, or made by the commissioners of said department, who shall provide the necessary station and sub-station houses, and establish such regulations for furnishing such supplies and performing such work as they shall order, as in their judgment they may deem necessary and proper, and the money required for such purposes and all other sums required for the department shall be estimated for, and raised, in the manner provided by section seventy-five of the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, eighteen hundred and seventy. The amounts required, from time to time, by the said department, shall be paid by the comptroller of said city, on the requisition of the treasurer

Captains or sergeants may be retired on half pay.

Work or supplies, how provided for.

Police funds  
to be paid to  
treasurer.

Oaths may  
be adminis-  
tered.

Penalty for  
false swear-  
ing.

Treasurer to  
give bond.

Salary of  
treasurer.

Increase of  
force.

Detail for  
mayor.

of said department, as ordered by the board thereof, but according to modes and forms to be prescribed by the finance department, under the provisions of law creating the same. Each commissioner of police, the superintendent thereof, and the chief clerk and deputy thereof, are authorized and empowered to administer oaths and affirmations in all matters pertaining to the department or the duties of any officer. Any wilful and corrupt swearing by any person to any material fact before either of said officers, shall be deemed perjury, and punished in the manner now provided by law for such offences. The treasurer of the board of police shall give a bond, with two sureties, in the sum of twenty thousand dollars each, for the faithful performance of his duties, said bond to be approved by the comptroller, and filed in his office. The said treasurer shall receive an annual salary of fifteen hundred dollars, in addition to the amount provided for salary as a member of the board of police.

§ 20. [*Of chap. 383, laws of 1870.*] The board of police shall have authority to increase the force from time to time, as public necessity shall require, not exceeding one hundred patrolmen in addition to the number now authorized by law; and said board of police shall detail from the force, to be under the



direction of the mayor, not exceeding twenty men, to enforce the ordinances of the corporation. The board of police are hereby authorized and directed to perform all the duties required and designated to be performed by the commissioners of metropolitan police, applicable to the city of New York, by chapter seven hundred and forty, laws of eighteen hundred and sixty-five, and by the unrepealed provisions of chapter eight hundred and twelve, laws of eighteen hundred and sixty-six, amendatory thereof.

Board of police to perform all duties under registry laws of 1865 and 1866.

## ARTICLE EIGHTH.

### **Of the Department of Public Works.**

SEC. 77. There shall be a department of public works, the head or chief officer of which shall be called "commissioner of public works," who shall be appointed by the mayor, and hold office for four years, and who shall receive a salary equal to that now or lately designated by statute or ordinance to the street commissioner. Whenever the words chief engineer of the Croton aqueduct board, or president of the Croton aqueduct board, or street commissioner shall occur in any existing law, ordinance, resolution, contract, or document, it shall be deemed to mean the aforesaid commissioner of public works, and wherever in any law or in any ordinance or obligation of

Department of public works, commissioner of.

Officers merged in.

the corporation the words street department or Croton aqueduct board shall occur, it shall be deemed and construed hereafter to mean the "department of public works," and the commissioner thereof. Within five days after the passage of this act the terms of office of the street commissioner of the city of New York, and the president commissioner, the assistant commissioner, and the chief engineer of the Croton aqueduct department of the city of New York shall end, and the said offices respectively shall be abolished. The bureaux, offices, and positions now under the street department or Croton aqueduct department, respectively, are hereby transferred to the "department of public works," together with all their papers, books, documents, property, and public effects, and with the like authority and compensation, and the terms of office of the several persons now holding office or position or employment under said street and Croton aqueduct departments shall be terminated within five days from the passage of this act. [*Amended by adding the following provisions—sec. 5, chap. 574, laws of 1871.* The commissioner of public works shall appoint and remove at pleasure a deputy commissioner of public works, who shall, in addition to his other powers, possess every power and perform all and every duty belonging to the office of said commissioner whenever so empowered by said commissioner by written authority, de-

Croton aqueduct department abolished.

Street department merged in.

Property, &c., to be turned over to.

Deputy commissioner.

Powers and duties.

signating therein the period during which said power and duty may be exercised, and such designation and authority shall be duly filed in and remain of record in the department of public works. The said deputy commissioner of public works shall possess the like authority in case of the disability of the commissioner of public works upon the like designation of the mayor, which shall be filed and remain of said record as aforesaid. The said commissioner of public works shall from time to time establish scales of rents for the supplying of Croton water, which rents shall be collected in the manner now provided by law. Hereafter when any contract for public work shall be abandoned by the contractor or declared void by reason of any action of the contractor, or default in the execution of any provision of the contract, the commissioner of public works shall have authority to proceed with the work contemplated in any such contract in such manner as shall seem to him to be for the best interests of the city. In any such case the board of assessors of the city of New York are hereby authorized and directed to assess upon the property intended to be benefited, in the manner provided by law for making assessments for local improvements, the expenses which shall be actually incurred by the mayor, aldermen, and commonalty of the city of New York for such work, which sums so assessed shall be a

Croton  
water rents.

Contracts for  
public work  
declared  
void.

Authority of  
assessors in  
such cases.

lien upon such property, and all provisions of law relative to the collection of assessments for local improvements in said city shall apply thereto. The board of assessors of the city of New York are hereby authorized and directed to assess or reassess upon the property intended to be benefited in manner provided by law for making assessments for local improvements in said city, all expenses which have been already paid or incurred and shall hereafter be actually incurred by the mayor, aldermen, and commonalty of the city of New York for either regulating or grading, or paving or repaving, or sewerage, or curbing or guttering, or otherwise improving any of the streets, avenues, or public places in said city of New York, and all the provisions of law in relation to advertising, entering, and collecting assessments for local improvements in said city shall apply to all such assessments or re-assessments. It shall be the duty of the commissioner of public works in said city to certify to the board of assessors the sum or sums expended as aforesaid, and such certificate shall be conclusive evidence of the amount of such expenditure.]

Board of assessors to assess certain expenses.

Powers and duties of.

SEC. 78. The said department shall have cognizance and control :

1. Of all structures and property connected with the supply and distribution of Croton water.

2. Of the collection of the revenues arising from the sale or use of the Croton water. Powers and duties of.

3. Of opening, altering, regulating, grading, flagging, curbing, guttering, and lighting streets, roads, places, and avenues.

4. Of the repairing and construction of public roads.

5. Of the care of public buildings.

6. Of the filling up of sunken lots.

7. Of public sewers and drainage.

8. Of street vaults.

9. Of paving, repaving, and repairing streets, and keeping the same clear.

10. Of digging and constructing wells.

SEC. 79. There shall be the following bureaux in the department of public works : Bureaux in.

1. A bureau for laying water-pipes, and the construction and repair of sewers, wells, and hydrants, paving and repaving and repairing streets ; the chief officer of which shall be called "water purveyor." Of water-pipes, sewers, &c.

2. A bureau for the collection of revenue derived from the sale and use of water ; the chief officer of which shall be called "water register." For collection of water revenue.

Of Croton  
aqueduct.

3. A bureau having care of all structures and property connected with the supply and distribution of Croton water; the chief officer of which shall be called "chief engineer of the Croton aqueduct," with power to appoint and remove at pleasure, and detail a staff of assistant engineers. He and they must be civil engineers of at least ten years' experience. The commissioner may delegate to this bureau any power and duty now conferred by law or ordinance on the chief engineer of the Croton aqueduct board.

Chief en-  
gineer of.

Assistants of.

Of grading  
and flagging  
streets, &c.

4. A bureau for grading, flagging, curbing, and guttering streets; the chief officer of which shall be called "superintendent of street improvements."

Of lamps  
and gas.

5. A bureau of lamps and gas; the chief officer of which shall be called "superintendent of lamps and gas."

Of streets  
and roads.

6. A bureau of streets and roads; the chief officer of which shall be called "superintendent of streets."

Of repairs  
and supplies.

7. A bureau of repairs and supplies, which shall have cognizance of all supplies and repairs to public buildings, works, lands, and places, and all other necessary repairs and supplies not provided for in other departments; the chief officer of which shall be called "superintendent of repairs and supplies," and shall be a practical builder.

8. A bureau for the collection of assessments; the

chief officer of which shall be called "collector of assessments," and his assistants, "deputy collectors." Of collection of assessments.

*[Amended by sec. 14, chap. 574, laws of 1871, by adding thereto the following subdivisions:]*

9. A bureau for the removal of incumbrances on the streets or sidewalks, the chief officer of which shall be called the superintendent of incumbrances, to whom all complaints relating to the removal of incumbrances shall be made, and by whom such incumbrances shall be removed. Of the removal of incumbrances.

10. A bureau, the chief officer of which shall be called the superintendent of railroads and ferries and to whom all complaints for violation of corporation ordinances relating to railroads and ferries shall be made, and whose duty it shall be to see that proper proceedings are taken to prevent the recurrence of such violation and to recover penalties incurred thereby]. Of railroads and ferries.

§ 1. [*Of chap. 383, laws of 1870.*] \* \* \* Flagging sidewalks.  
 Hereafter, all flagging in the city of New York shall be laid full width, and north of Fourteenth street shall be of such material as the commissioner of public works shall direct. \* \* \* Lighting streets.  
 The commissioner of public works is authorized from time to time to provide for lighting the streets, avenues, and places

of the city with gas, but shall not make any arrangement or agreement with any company or companies for such purpose for a period longer than one year at any given time. \* \* \*

To furnish  
water  
meters.

§ 13. [*Of chap. 383, laws of 1870.*] The commissioner of public works is hereby authorized, in his discretion, to cause water meters, of approved pattern and suitable for the purpose, to be designated by said commissioner, to be placed in all stores, workshops, hotels, manufactories, public edifices, at wharves, ferry-houses, stables, and in all the places in which water is furnished for business consumption by the department of public works, so that all water so furnished therein or thereat may be measured and known by the said department, and for the purpose of ascertaining the ratable proportion which consumers of water should pay for the water therein or thereat received and used. Thereafter, as shall be determined by the commissioner of public works, the said department shall make out all bills and charges for water furnished by them to each and every consumer as aforesaid, to whose consumption a meter as aforesaid is affixed, in ratable proportion to the water consumed, as ascertained by the meter on his or her premises or places occupied or used as aforesaid. All expenses of meters, their connections and setting, water rates, and

Expense of  
meters to be  
a lien.



other lawful charges for the supply of Croton water shall be a lien upon the premises where such water is supplied as now provided by law. Nothing herein contained shall be construed so as to remit or prevent the due collection of arrearages or charges for water consumption heretofore incurred, nor interfere with the proper liens therefor, nor of charges, or rates, or liens hereafter to be incurred for water consumption, in any dwelling-house, building, or place which may not contain one of the meters aforesaid.

§ 14. [*Of chap. 383, laws of 1870.*] No street, avenue, or public place in the city of New York, which has been once paved and the expense thereof paid for by the owners of the adjoining property by assessment, shall hereafter be paved, with any patent or special pavement, unless petitioned for by a majority of the owners of the property on the line of the proposed improvement, nor unless the resolution or ordinance of the common council authorizing the same shall be approved by the mayor; and any ordinance or resolution heretofore passed for any patent or special pavement, which has not been approved by the mayor, or the work petitioned for by a majority of the owners of the adjoining property to be affected, and for which no contract has been entered

Patent or  
special  
pavement,  
restrictions  
on.

into and upon, is hereby declared to be inoperative and void.

## ARTICLE NINTH.

### **Of the Department of Public Charities and Correction.**

SEC. 80. [*As amended by sec. 15, chap. 574, laws of 1871.*] The department of public charities and correction shall hereafter be composed of and have for its head a board of five persons, which board shall possess all the powers, and discharge all the duties now conferred upon such department by special laws and by the provisions of chapter five hundred and ten of the laws of eighteen hundred and sixty, and acts and parts of acts amendatory thereto, except as the same are modified or repealed by the provisions of this act. The said commissioners herein provided for shall be appointed by the mayor for the term of five years respectively, and each of said commissioners shall receive an annual salary equal to the salary designated by law to the commissioners of taxes and assessments of the city of New York.

Board of charities and correction.

Powers and duties of.

Appointment, term, and salary.

## ARTICLE TENTH.

**Of the Fire Department.**

SEC. 81. [*As amended by sec. 16, chap. 574, laws of 1871.*] The fire department shall have for its head a board, to consist of five persons, to be known as "fire commissioners of the city of New York," who shall be appointed by the mayor for the terms of five years respectively, and each of said commissioners shall receive an annual salary equal to the salary designated to the commissioners of taxes and assessments of the city of New York.

Fire department.

Appointment and terms of.

SEC. 82. There shall be in this department two bureaux. The chief officer of the first bureau shall be called the "chief engineer." The chief officer of the other bureau shall be called "inspector of fire apparatus."

Bureaux in.

Chief engineer of.

Inspector of fire apparatus.

SEC. 83. The bureau at the head of which shall be the inspector of fire apparatus, is charged with the duty of fulfilling all other duties connected with the fire department, except such as are performed by the chief engineer and the assistant engineers.

Duties of.

To supersede  
metropoli-  
tan fire  
department.

Powers and  
duties of.

SEC. 84. The said fire department is hereby empowered to possess and directed to exercise all the powers, and to perform all the duties now provided by law to the metropolitan fire department, and shall have power to provide supplies, horses, tools, implements, and apparatus of any and all kinds to be used in the extinguishing of fires, and fire-telegraphs, and to buy, sell, construct, repair, and have the care of the same, and take any and all such action in the premises as may be reasonably necessary and proper, and upon due organization as a department, to take possession of, for its use, all city property and apparatus, and books, then or lately in custody of the metropolitan fire department.

Appoint-  
ments by.

May remove  
at pleasure.

Present  
force trans-  
ferred to.

SEC. 85. The said board shall appoint a secretary, chief and assistant engineers, and as many clerks, firemen, and other appointees as may be necessary, who shall receive the like compensation as that paid to them respectively in the metropolitan fire department. They shall at all times be under the discipline of the said board and perform such duties as may be assigned to them by the said board, and may be removed by said board at pleasure ; and the chief engineer, assistant engineers, firemen, and employes now in the metropolitan fire department are hereby made subordinates of this department, and are hereby transferred to this department.

SEC. 86. The officers, firemen, and appointees of the fire department, with their apparatus of all kinds, when on duty, shall have the right of way at any fire and in any highway, street, or avenue, over any and all vehicles of any kind, except those carrying the United States mail. And any person who shall refuse the right of way, or in any way obstruct any fire apparatus or any of said officers while in performance of duty, shall be guilty of a misdemeanor and be liable to punishment for the same.

Duties of  
appointees  
of.

Penalty for  
obstructing.

SEC. 87. It shall be a misdemeanor, punishable by imprisonment in the county jail for a period of not less than sixty days, for a person not so enrolled or employed, or appointed by the said department, to wear the whole or any part of the uniform or insignia prescribed to be worn by the rules and regulations of the board, or do any act as fireman not duly authorized by the board hereby created, or to interfere with the property or apparatus of the fire department in any manner, unless by authority of the department.

Penalty for  
falsely per-  
sonating.

SEC. 88. No person holding office under this department shall be liable to military or jury duty while performing his duty as a fireman.

Exemptions  
of appoin-  
tees.

SEC. 89. It shall be the duty of said department to make suitable regulations under which its officers and men

Uniform for.

shall be required to wear any appropriate uniform and badge by which, in case of fire and at other times, the authority and relations of such officers and men in said department may be known, as the exigency of their duties may require.

## ARTICLE ELEVENTH.

### Of the Health Department.

Health department.

SEC. 90. The health department shall consist of the police commissioners of the city of New York, the health officer of the port, and also four officers to be called

Commissioners of.

“commissioners of health of the city of New York,” who shall be appointed by the mayor for a term of five years, two of whom must have been practising physicians in said city for a period of five years preceding their appointment. Said four commissioners of health shall

Qualifications of.

Salary.

receive an annual salary of five thousand dollars each. These several officers shall together constitute a board, which shall be the head of the health department.

Bureaux in.

SEC. 91. There shall be four bureaux in this department. The chief officer of one bureau shall be called the

Of sanitary inspection.

“city sanitary inspector,” and he shall be a practising physician of at least ten years in the city of New York.

There shall be another bureau, to be called the "sanitary permit bureau." There shall be another bureau, to be called the "bureau of street cleaning." The chief officer of another bureau shall be called the "register of records." And in said bureau shall be recorded, without fees, every birth, marriage, and death, and all inquisitions of coroners (excepting those whereby a jury find a death caused by negligence or malicious injury), which shall occur or be taken within the city of New York.

Of sanitary permits.

Of street cleaning.

Register of records.

*[Amended by adding the following—sec. 7, chap. 574, laws of 1871.*

Whenever the street cleaning commission, having supervision of the existing contract for cleaning the streets of the city, may, in writing, request from the said bureau of street cleaning to be furnished with a list of streets which require, for purposes of public health, extra cleaning, it shall be the duty of said bureau to furnish such list, whereupon the said street cleaning commission, or a majority thereof, may, in its discretion, authorize the contractor for cleaning the streets to perform the extra cleaning, according to said furnished list, and the said street cleaning commission, or a majority thereof, may agree with said contractor upon the price and payment for said extra street cleaning, and the amounts required to pay said contractor for such extra street cleaning shall be duly paid said contractor by the comptroller, but only

Streets requiring extra cleaning.

Contractor may be authorized to do extra work.

upon affidavits duly filed with the comptroller, showing the work performed as particularly as possible, and annexed to the lists furnished by the bureau of street cleaning, and also upon a certification of the authority for said work, made by the president of said street cleaning commission, all of which papers shall be filed with the comptroller. The amount of money necessary to defray said expenses shall be included in the appropriate estimate duly authorized by this act to be made for administrative purposes, and in the taxes of the current year, and of each and every year, but said amount shall never, in any one year, exceed the sum of two hundred and fifty thousand dollars.]

How to be paid for.

Not to exceed \$250,000 in one year.

Sanitary code to be adopted.

Addition to.

SEC. 92. It shall be the duty of said board, immediately upon organization under this act, to cause to be conformed to this article the code of laws and regulations then or lately adopted by the board of health for the metropolitan sanitary district, which shall be called the "sanitary code." And said health department is hereby authorized and empowered to add to such sanitary code from time to time additional provisions for the security of life and health in the city of New York, and therein to distribute appropriate powers and duties to the members and employés of the board of health. Any violation of said code shall be treated and punished as a misdemeanor.

SEC. 93. [*As amended by sec. 26, chap. 383, laws*



of 1870.] Whenever, in any law of this state, any power or duty shall be conferred or enjoined upon any board of health, or in relation to the board of health of the metropolitan sanitary district, except as herein provided, the same shall be applicable to the department hereby created. Upon the organization of the said board under this act, the metropolitan board of health and its officers and employes shall, on demand, turn over to the department of health created by this act, all the property of every kind, books, records, and papers in the use or possession of said metropolitan board of health, its officers or employes, in the city of New York, for the uses and purposes of the health department by this act established; and the health department created by this act are hereby authorized and empowered, immediately upon entering upon the duties of their office, to take possession of the same for such uses and purposes, and to hold the same subject to the control and superior title therein of the city and county of New York. All orders duly made by the metropolitan board of health, and by their terms or necessary legal effect to be executed in the city of New York, may be executed, and the execution thereof compelled, and the execution of such of them as are partly executed may be completed by the depart-

Powers and duties of boards of health conferred upon.

Books and records of metropolitan board turned over.

Orders of metropolitan board may be executed.

ment of health hereby created; and the said orders may be severally rescinded or modified by last said department, with like effect as could have been done by the metropolitan board of health at the time the said orders were severally made. The said department may discharge all liens upon real estate in the city of New York, created in proceedings instituted by the metropolitan board of health, in the same manner and for the same causes that, by laws existing January first, eighteen hundred and seventy, they could be discharged by the metropolitan board of health. The authority, duty, and powers conferred or enjoined upon the metropolitan board of health by chapter seventy-four of the laws of eighteen hundred and sixty-six, and the several acts amendatory thereof, and by any other subsequent laws of this state, and upon the several officers and members of said board, not inconsistent with the provisions of this act, are hereby conferred upon and vested in or enjoined upon, and shall hereafter be exclusively exercised in the city of New York, by the health department and board of health, created by this act and by the officers of last said board of health and the said health department, and the same are to be exercised in the manner specified in the said chapter seventy-four of the laws of eighteen hundred and sixty-six,

Powers and duties of metropolitan board conferred upon.

and the several acts amendatory thereof, and by any other subsequent laws of this state, and in conformity to the provisions of this act.

## ARTICLE TWELFTH.

### Of the Department of Public Parks.

SEC. 94. The department of public parks shall control and manage all public parks and public places above Canal street, which are of the realty of the city of New York.

Public places  
north of  
Canal street.

§ 16. [*Of chap. 383, laws of 1870.*] All parks and public grounds south of Canal street shall hereafter be under the control and management of the department of public parks, and nothing in any act contained shall be deemed, construed, or taken to abrogate or impair any powers or duties conferred on the said department of public parks, [by virtue of article twelve of chapter one hundred and thirty-seven, laws of one thousand eight hundred and seventy,] and all acts conferring powers and devolving duties upon the board of commissioners of the Central park are hereby transferred to and conferred upon the said department of public parks, but no action of the board composing said department shall be

Public places  
south of  
Canal street.

Powers and  
duties of  
commiss-  
sioners of  
Central park  
conferred on.

A majority  
necessary to  
any action.

Additional  
estimates  
authorized.

deemed final or binding unless it shall have received the approval of a majority of the said board whose names shall be recorded in its minutes. The department of public parks is hereby authorized to include in the estimate, which said department is authorized to make for moneys required for the maintenance and government of the Central park, such further sum as may be annually required for the maintenance, government, and improvement of the several parks, roads, and avenues under the control of said department.

Board of  
commission-  
ers of.

SEC. 95. This department shall be under the charge of a board, to consist of five members, who shall be appointed by the mayor, and shall respectively hold office for terms of five years.

Powers and  
duties of.

SEC. 96. All provisions of law which provide for the maintenance and government of the Central Park, or grant powers and devolve duties upon, [or award allowance for carriage-hire to,—*these words repealed by sec. 15, chap. 383, laws of 1870,*] the commissioners of the Central Park, [or provide salary for the comptroller of said park,—*these words repealed by sec. 15, chap. 383, laws of 1870,*] shall apply to the department of parks hereby established, and to the commissioners and comptroller thereof respectively.

§ 15. [*Of chap. 383, laws of 1870.*] No member of the board of the department of public parks shall receive any salary or other compensation for his services in any capacity connected with said department. No compensation.

The said department of parks is hereby directed to perfect the boulevard on the southerly side of the Central park in Fifty-ninth street, by removing therefrom the railway tracks of the North, East, and Central Park Railroad Company; and permission is hereby given to said company to lay double tracks, in lieu of tracks so removed, in Fifty-eighth street, to connect suitably with their other tracks now laid in the Eleventh and First avenues. The road or public drive laid out on the map or plan of the city of New York, by the commissioners of the Central park, pursuant to the provisions of chapter five hundred and sixty-five, laws of eighteen hundred and sixty-five, shall hereafter be known as "The Boulevard," and shall be wholly under the care, management, and control of the department of public parks, and as to the use thereof the said department shall have, possess, and enjoy all the powers now or hereafter possessed, enjoyed, or exercised by said commissioners in respect to the Central park in said city. Boulevard at Fifty-ninth street.  
Boulevard to be wholly in charge of department.

## ARTICLE THIRTEENTH.

**Of the Department of Buildings.**

Department  
of buildings.

Superintend-  
ent of, term  
and salary.

Powers and  
duties of.

SEC. 97. There shall be a department called the "department of buildings," the chief officer of which shall be called the "superintendent of buildings," who shall be appointed by the mayor for a term of five years, and who shall receive an annual salary of seventy-five hundred dollars. The powers and duties of said department, its officers and employés and subordinates, shall continue as now authorized by special laws (except as modified or repealed by this act), in relation to buildings in the city of New York.

SEC. 98. Whenever in any act the words "department for the survey and inspection of buildings," or "superintendent of buildings" shall occur, applicable to the city of New York, the same shall be taken to mean the department of buildings and the superintendent of buildings herein authorized.

## ARTICLE FOURTEENTH.

**Of the Department of Docks.**

SEC. 99. [*As amended by sec. 6, chap. 574, laws of* Department of docks. 1871.] 1. There shall be a department of docks, the head of which shall be a board consisting of five Board of appointments and terms. persons residing in the city of New York, to be appointed by the mayor, who shall hold office for the term of five years, and shall possess such powers Powers, duties, and salary. and perform such duties and receive such compensation as shall be established and defined by the commissioners of the sinking fund of the city of New York. But the persons appointed such commissioners by the mayor during the year one thousand eight hundred and seventy are hereby continued in office for the respective terms for which they were appointed.

2. The department of docks in the city of New To control all wharf property, &c. York shall have exclusive charge and control, subject in the particulars hereinafter mentioned to the Subject to commissioners of sinking fund. commissioners of the sinking fund of said city, of all the wharf property belonging to the corporation of the city of New York, including all the wharves, piers, bulkheads, and structures thereon, and waters adjacent thereto, and all the slips, basins, docks, water-fronts, land under water, and structures thereon,

and the appurtenances, easements, uses, reversions, and rights belonging thereto, which are now owned or possessed by the said corporation, or to which said corporation is or may become entitled, or which said corporation may acquire under the provisions hereof, or otherwise; and said department shall have exclusive charge and control of the repairing, building, rebuilding, maintaining, altering, strengthening, leasing, and protecting said property and every part thereof, and of all the cleaning, dredging, and deepening necessary in and about the same. Said department is also hereby invested with the exclusive government and regulation of all wharves, piers, bulkheads, and structures thereon, and waters adjacent thereto, and all the basins, slips, and docks, with the land under water in said city not owned by said corporation. The duties and powers heretofore performed and exercised by any officer, department, or bureau of the said corporation in and about all or any part of the said property are hereby transferred to and vested exclusively in the said department; but this provision shall not affect the aforesaid powers of the commissioners of the sinking fund.

To have exclusive government of wharves, &c.

Powers and duties exercised by other departments transferred.

Time of examination of plans.

3. Said board of the said department of docks shall meet and examine the plans prepared under



their direction from time to time, and shall, on or before the first day of May, eighteen hundred and seventy-one, determine upon any one of said plans for the whole or any part of said water-front, or may in its discretion cause a new plan to be made combining the separate features of any two or more plans, and determine upon such new plan. And said board shall, when it has determined upon any plan or plans for the whole or any part of said water-front, send such plan or plans so determined upon, together with all documents, specifications, estimates, and particulars relating thereto, to the commissioners of the sinking fund, who may adopt or reject any such plan or plans. If any such plan be rejected by said commissioners of the sinking fund, the said board shall send another plan in place thereof to said commissioners. The plan or plans adopted by the said commissioners of the sinking fund shall be returned by them to the said board, with a certificate of such adoption written thereon, which certificate shall specify the territory or district which said plan shall cover and control, and said plan and certificate shall be filed in the office of said board and be open to public inspection, and shall from the time of such adoption be the sole plan according to which any wharf, pier, bulkhead, basin, dock, or slip, or any wharf, struc-

Plans to be approved by commissioners of sinking fund.

Rejection of plan.

Adoption of plan.

ture, or superstructure shall thereafter be laid out or constructed within the territory or district embraced in and specified upon such plan, and be the sole plan and authority for solid filling in the waters surrounding said city and for extending piers into said waters and erecting bulkheads around said city; and all other provisions of law regulating solid filling and pier and bulkhead lines in said waters are to be deemed to be repealed upon the filing of said plan, if said plan be inconsistent with such provisions of law. And said board shall give notice by advertisement for six weeks of the adoption of such plan. From the time of the adoption of said plan no wharf, pier, bulkhead, basin, dock, slip, or any wharf, structure, or superstructure shall be laid out, built, or rebuilt within such territory or district, except in accordance with such plan. X

4. The said board of the department of docks is hereby authorized to acquire, in the name and for the benefit of the corporation of the city of New York, any and all wharf property in said city to which the corporation of the city of New York then has no right or title, and any rights, terms, easements, and privileges pertaining to any wharf property in said city and not owned by said corporation; and said

Title to private wharf property to be acquired.

*Approved - That the said Board of the Department of Docks, with the consent & approval of the Commissioners of the said City of New York, may from time to time, change the width*

*Approved May 16, 1892*

board may acquire the same either by purchase or by process of law, as herein provided. Said board may agree with the owners of any such property, rights, terms, easements, or privileges upon a price for the same, and shall certify such agreement to the commissioners of the sinking fund, and if said commissioners approve of such agreement, said board shall take from such owners, at such price, the necessary conveyances and covenants for vesting said property, rights, terms, easements, or privileges in, and assuring the same to, the mayor, aldermen, and commonalty of the city of New York forever, and said owners shall be paid such price from the city treasury, as hereinafter provided. If the said board shall deem it proper that the said corporation should acquire possession of any such wharf property, rights, terms, easements, or privileges for which no price can be agreed upon between the owners thereof and the said board, the said board may direct the counsel to the corporation of said city to take legal proceedings to acquire the same for the mayor, aldermen, and commonalty of said city, and the said counsel to the corporation shall take the same proceedings to acquire the same as are by law provided for the taking of private property in said city for public streets or places, and the provisions of law relating to the taking of private

By agree-  
ment.

In case of  
non-agree-  
ment.

property for public streets or places in said city are hereby made applicable, as far as may be necessary, to the acquiring of the said property, rights, terms, easements, and privileges, and said board is also empowered to acquire in like manner the title to such lands under water and uplands as shall seem to said board necessary to be taken for the improvement of the water-front.

Proceedings  
after the  
adoption of  
plans.

5. When the plan or plans mentioned in subdivision three of this section of this act have been adopted by the commissioners of the sinking fund, as provided in said subdivision three of this section, the said board of the department of docks shall proceed, according to said plan or plans, to lay out, establish, and construct wharves, piers, bulkheads, basins, docks, or slips, in the territory or district embraced in such plan or plans, and in and upon or about the property owned by the mayor, aldermen, and commonalty of the city of New York, without interfering with the property or rights of any other person, except so far as may be necessary to insure the safety and stability of the wharves, piers, bulkheads, basins, or slips so to be constructed. And said board may commence such construction in sections of said territory or district, from time to time, so as not to seriously incommode

Construc-  
tion. how  
commenced.

the commerce of said city. The work of such construction under said plan or plans, unless ordered to be otherwise performed by the affirmative votes of four members of said board, shall be performed as follows : The said board shall prepare full and minute specifications for such work, and advertise for proposals for doing said work under said plan or plans and according to such specifications ; proposals therefor shall be signed by the bidders for said work and be sent to said board within the time specified in such advertisement, accompanied by a bond of the form set forth in said specifications, duly executed. The said board shall open said proposals on a day to be specified in such advertisement, and shall examine them, and shall award the contract for said work to the lowest responsible bidder complying with such plan or plans and specifications ; such contract shall be executed by the said board on behalf of the mayor, aldermen, and commonalty of the city of New York, and shall always contain provisions as to the time of commencing and completing said work and for the retention of at least one fourth of the contract price until the completion of the said work, as security for its performance and for the forfeiture of said contract for non-performance of the terms thereof. Said board may, upon the forfeiture of any such contract,

Proposals.

Opening and examination of.

Execution of contract.

Forfeiture of contract.

proceed to complete the work thereunder without contract, or may re-advertise for proposals to complete said work and award a new contract therefor in the same manner as provided herein for awarding the original contract; but no bidder under this subdivision of this section shall be entitled to a contract until his bid shall be approved and accepted by said board.

Charges of wharfage.

6. When any of the wharves, piers, bulkheads, slips, docks, and basins constructed under the provisions of this act relating thereto shall be open to the public use, the said board of the department of docks shall regulate the charges for wharfage and dockage of all vessels admitted thereto, and may alter such charges from time to time as the public trade may authorize and the said board deem proper; provided that the rates of wharfage on boats navigating the canals of the State shall not be increased beyond the present rates, and no restriction of the amount of wharf and slip room occupied by them shall be made; and said board may appropriate any of such wharves, piers, bulkheads, basins, or slips to the sole use of special kinds of commerce, and may in the name and for the benefit of the corporation of said city lease any or all of such property, for a term not exceeding ten years, and covenant for renewal or re-

For canal boats.

Special kinds of commerce.

Leases.

newals, at advanced rents, of such leases for terms of ten years each, but not exceeding in the aggregate fifty years. All leases other than for districts appropriated by said board to special commercial interests shall be made at public auction to the highest bidder. All leases made by said board shall contain covenants on the part of the lessees to make all needful repairs upon or about the property leased, and to maintain and keep in good condition the property leased during the term of the lease, under the penalty of forfeiture of such lease and damages. X

Covenants in leases.

7. The said board of the department of docks shall establish and enforce all needful rules and regulations for the government and proper care of all the property placed in its charge and under its control by the provisions of this act relating thereto, and shall furnish a copy of such rules and regulations to all the owners and occupants of such property, and shall make all needful orders and adopt all resolutions necessary to carry the provisions of this act relating thereto into effect, and fix penalties for disobeying such rules, regulations, or orders, and shall publish such orders. The violation of or disobedience to any rule, regulation or order of said board shall be a misdemeanor, pun-

Rules and regulations for government and care of property.

Violations of.

<sup>6</sup>  
 Amended. May 16. 1872.  
 Provided, that said Board may in their discretion make leases containing covenants that the lessees shall keep in good order and repair at their expense the plankings, string pieces and mooring piles of said wharves, piers and

How punish-  
able.

Recovery on  
penalties.

To be paid  
into sinking  
fund.

Quorum.

Meetings.

Organiza-  
tion.

President.

Offices.

ishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, on complaint of said board. The penalties aforesaid may be recovered by suit in the name of the mayor, aldermen, and commonalty of the city of New York, and such suit shall be prosecuted by the counsel to the said corporation when directed by said board; and no defendant in any such suit shall be permitted to plead ignorance of any such order, rule, or regulation. All rents, fines, and ~~X~~ penalties and other money collected by said board or by its direction, shall belong to the treasury of said city, and be paid into the sinking fund for the redemption of the city debt. Any three members of said board shall be a quorum for the transaction of any business of said board. Said board shall hold stated meetings, to be specified in by-laws which said board shall prepare and may alter from time to time.

8. The members of said board of the department of docks shall meet and organize as a board, by electing one of said members to be president thereof. The said board shall have power to hire, for a term of not more than ten years, an office or offices in said city, and furnish and supply the same for the transac-



tion of the business of the board, and shall appoint a secretary and such subordinate officers, clerks, and agents as shall be necessary to assist said board in the performance of its duties and the exercise of its powers, and may fix the compensation of all persons so appointed; but the annual expenses of said board, for rent, furniture, supplies, and compensation of secretary and subordinate officers, clerks, and agents, shall not exceed in the aggregate the sum of one hundred thousand dollars. The president of said board shall be elected annually by the members thereof, and shall preside at all meetings of said board, and in case of his absence a temporary president may be elected by the board to preside. The board shall, in its by-laws, prescribe the duties of its secretary and of all the aforesaid subordinate officers, agents, or clerks, and may remove all persons appointed by said board, and appoint others in their places. Any member may resign his office by written resignation sent to the mayor of the city of New York. When any member of said board shall cease to reside in the city of New York his office as a member of said board shall become vacant. Any vacancy in said board and office, from death, resignation, or otherwise, shall be filled by appointment by the said mayor for a full term. No member of

Appoint-  
ments.

Compensa-  
tion.

Aggregate  
expense.

Duties of  
subordinates  
to be pre-  
scribed.

Resignation.

Non-resi-  
dence to  
create va-  
cancy.

Vacancies,  
how filled.

Members  
not to be  
interested in  
any work.

said board shall be interested, directly or indirectly, in any contract, lease, bargain, purchase, or agreement made by said board, under penalty of removal from office, and a violation of this prohibition shall be a misdemeanor and punishable as such.

Penalty.

Reports.

9. The said board of the department of docks shall annually present to the mayor of said city a report containing: 1. The name, occupation, and compensation of all persons appointed and employed by said board. 2. A statement of the action of the board for the past year, classified with reference to the various subjects and duties which have engaged the attention of the board. 3. A list of the orders and rules made by said board, and a description of the contracts made by said board, the payments made by said board, and the purposes and amounts thereof, and the leases made by said board, for what term, at what rent, to whom, and for what property.

How  
published

10. The advertisements and publications provided in the provisions of this act relating to the department of docks to be made by said board of said department, shall be made in not more than five daily and five weekly newspapers published in said city, and at such rates as the said board may agree upon

with such newspapers, and for such times, except where the time is specially provided in the provisions of this act relating thereto, as the said board may deem proper. The commissioners of the land office are hereby authorized to convey by proper instruments in writing, necessary for the purpose, all the property, right, title, and interest of the people of the state of New York in and to the land under water used and taken by the said board for the construction of wharves, docks, piers, bulkheads, basins, and slips under this act, whenever said commissioners may be required by said board to make such conveyance to the mayor, aldermen, and commonalty of the city of New York.

Interest of  
people of  
state to  
lands under  
water.

11. The comptroller of the city of New York shall, from time to time, when directed by the commissioners of the sinking fund, prepare and issue bonds of said city to be called "dock bonds of the city of New York," signed, sealed, and countersigned in the same manner as other bonds of said city, and bearing not more than seven per cent. interest per annum, and redeemable from time to time, but not before thirty years after the date thereof, for the purpose of raising the moneys necessary to carry out the provisions of this act, relating to the department

Dock bonds  
to be issued.

of docks, its powers and duties; and the supervisors of the county of New York shall raise annually, by tax upon the estates in said county subject to taxation, a sum equal to the annual interest upon so much of said bonds as shall have been issued, and shall raise in like manner, when said bonds shall fall due, a sum sufficient to pay the principal of said bonds. But not more than three millions of dollars of said bonds shall be issued in any one year, and none of said bonds shall be sold for less than the par value thereof. The moneys received from sales of said bonds shall be deposited in the treasury of the city of New York, and shall be drawn out and paid by the comptroller of said city for the several objects and purposes provided in this act, relating to the said department, its powers and duties, upon the requisition of the said board of the department of docks, countersigned by the commissioners of the sinking fund. The expenses and compensation of said board, its rent, the compensation of its appointees, the purchase-money and damages awarded under subdivision four of this section of this act upon the acquisition of private property, the payments under the contracts mentioned in subdivision five of this section of this act, and for work performed under said section, and all other expenses and disbursements necessarily incurred in

Limitation  
to \$3,000,000  
a-year.

carrying out the said provisions of this act in keeping, maintaining, repairing, building, and rebuilding the wharves belonging to the said corporation, in dredging and cleaning slips, shall be paid out of said moneys in the manner above provided. The Corporation counsel to be legal adviser. The counsel to the corporation of said city shall be the legal adviser of said board, and shall appear and defend said board, and advise said board in all matters, suits, or proceedings when directed by said board.

12. The term "board," when used in the provisions of this act relating to the department of docks, its powers and duties, shall be taken to mean the "board governing the department of docks in the city of New York," and the terms "said corporation" and "corporation of the city of New York," when used therein, shall be taken to mean the "mayor, aldermen, and commonalty of the city of New York," and the terms "property" and "wharf property," whenever used therein, shall be taken to mean not only all wharves, piers, docks, bulkheads, slips, and basins, but the land beneath the same, and all rights, privileges, and easements therein. Meaning of terms.

13. The provisions of this act relating to the de-

Not to affect  
control of  
state officers.

partment of docks, its powers and duties, shall not affect the powers of the captain of the port and harbor masters of the port of New York, or those of the port wardens of the port of New York, as the same are now defined by law, provided that said board of the department of docks may remove or direct the removal of any vessel, raft, or float from any place where the same shall be moored or anchored, whenever they shall deem such removal necessary for the convenient prosecution of any work undertaken and being done by them.

## ARTICLE FIFTEENTH.

### **Of the Department of Public Instruction.**

Department  
of public in-  
struction.

§ 100. [*As amended by sec. 7, chap. 574, laws of 1871.*] 1. There shall be in the government of the city of New York an additional department, to be called the department of public instruction, which shall under that designation have the same powers and discharge the same duties which are now vested in the board of education in said city, when such department shall be duly organized under this section.

2. The terms of office of the present commissioners of common schools of the city of New York shall end and their official functions cease at the expiration of ten days from the passage of this act. The mayor of said city shall within five days from and after the passage of this act appoint twelve commissioners of said department of public instruction, recognizing in said appointment the principle of representation of the minority imposed upon the mayor in the appointments made by him under chapter four hundred and thirty-seven of the laws of eighteen hundred and sixty-nine. Said commissioners shall enter on their duties at the expiration of ten days from the passage of this act in the places of the present commissioners of common schools whose terms of office are terminated as above provided. The said commissioners of the department of public instruction so appointed shall possess and succeed to all the powers and perform and succeed to all the duties of commissioners of common schools of said city, and shall constitute a board, and as such board be at the head of the said department of public instruction for said city and county, and shall hold their offices until the thirty-first day of December, eighteen hundred and seventy-six, and the board shall be known as the board of public instruction. Any vacancy in the said office of

Commissioners of common schools.

How appointed.

Principle of minority representation to be respected.

Powers and duties.

Vacancies,  
how filled.

Appoint-  
ment of suc-  
cessors.

commissioners of the department of public instruction by death, resignation, or otherwise, shall be filled by the appointment of the mayor, and for the remainder of the unexpired term. At the expiration of the terms of office of the said commissioners of the department of public instruction the mayor shall appoint their successors, who shall hold office for and during a term of five years from the date of their appointment, but the said principle of representation of the minority shall be observed in all appointments made under this section, whether for full or the unexpired terms; and whenever in any laws the words board of education or commissioners of common schools shall occur, said words shall be taken to mean and comprehend respectively the department of public instruction and commissioners of said department as herein provided for. The said department of public instruction as constituted pursuant to the provisions of this act shall not have power to provide additional sites or buildings or remove any teacher, except by a vote of three fourths of all the members of said board.

Three-fourth  
vote re-  
quired for  
certain pur-  
poses.

Trustees of  
common  
schools to be  
appointed.

3. All provisions of law providing for the election of trustees of common schools are hereby repealed. Every such trustee who shall be now in office under



election shall, however, serve out the full term for which he shall have been elected. Within twenty days before the expiration of the term of office of any such trustee who shall be in office by election, or upon the occurrence of any vacancy in the office of said trustee, the mayor of the city shall appoint his successor. Upon any appointment, whether by expiration of term or to fill vacancy, by the said mayor, it shall be for the term of five years from the time of the expiration of term or time of filling vacancy. The trustees so appointed shall possess and exercise all the powers and duties of trustees of common schools under existing laws.

Powers and duties.

4. Inspectors of common schools shall be hereafter appointed by the mayor for the same terms of office now provided to such inspectors. All vacancies in the office of inspectors of common schools shall be filled by the said mayor, and for a full term of office.

Inspectors of common schools to be appointed.

## ARTICLE SIXTEENTH.

### General Provisions, Powers, and Limitations.

§ 101. [*As amended by section 8, chapter 574, laws of 1871.*] Except as provided in the last preceding section, a majority of the members of a board

Quorum of boards.

in any department of the city government, and also of the board for the revision and correction of assessments, shall constitute a quorum to fully perform and discharge any act or duty authorized, possessed by, or imposed upon any department or any board aforesaid, and with the same legal effect as if every member of any such board aforesaid had been present. Each board may choose, in its own pleasure, one of its members to preside at board meetings, and may appoint a chief clerk. No expense shall be incurred by any of the departments, boards, or officers thereof, whether the object of expenditure shall have been ordered by the common council or not, unless an appropriation shall have been previously made covering such expense. The mayor, the comptroller, the commissioner of public works, and the president of the department of public parks of the city of New York shall, and are hereby directed on or before the first day of December in each and every year hereafter, and immediately for the current year, being the year eighteen hundred and seventy-one, and in lieu of and superseding existing authority in relation hereto, to make and agree upon an estimate of the various sums of money which, in their discretion, will be required to defray all the various expenses necessary for conducting the various

Boards to choose President and clerk.

No expenditure without appropriation.

Appropriations, how and by whom to be made.

boards, commissions, and departments, whether executive, judicial, legislative, or administrative, of the city government, and also for paying the interest on the city debt and the principal of such debt falling due, and for providing for charitable or other objects, and thereupon to fix and determine the amount of all such estimates, which amount when so established by said mayor, comptroller, commissioner of public works, and the president of the department of public parks, by the concurring vote of all present, shall thereby become appropriated as the amount of money required as aforesaid. That amount thus established shall be certified to the board of supervisors of the county of New York by the comptroller as the aggregate expenses of the city government for one year, and said board of supervisors are hereby empowered and directed annually to cause the said amount of money estimated, required, and certified as aforesaid to be according to law raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York. The first meeting of the said mayor, comptroller, commissioner of public works, and president of the department of public parks shall be called by notice from the said mayor, personally served on the members above mentioned. Subse-

Powers and duties of supervisors respecting appropriations.

First meeting of board.

Subsequent meetings.

quent meetings shall be called as the said mayor, comptroller, commissioner of public works, and president of the department of public parks shall direct. At the first meeting the said officers above mentioned shall organize by electing one of their number chairman, and shall appoint a secretary. The excise moneys derived from licenses for the sale of intoxicating liquors since the organization of the present board of excise commissioners, and the moneys hereafter received for such licenses, shall be appropriated for charitable purposes by the before-mentioned officers, as they may in each year determine from time to time as to objects, purposes, and amounts, and the proper officer shall deposit such excise moneys with the chamberlain, who shall hold it subject to the disposal of the before-mentioned officers, the mayor, comptroller, commissioner of public works, and the president of the department of public parks.

Excise moneys to be used for charitable purposes.

Provisions for regulation of departments.

SEC. 102. Whatever provisions and regulations other than those herein specially authorized may become requisite for the fuller organization, perfecting, and carrying out of the powers and duties prescribed to any department by this act, they shall be provided for by ordinance of the common council, who are hereby authorized to

enact such necessary ordinances; except that the common council shall never pass an ordinance in relation to regulating the internal affairs of any of the departments herein authorized, or the workings of any of the bureaux, or the duties of any of the subordinate officers of the corporation, or the number of persons to be employed in said department, nor increasing their salaries, except upon the previous application in writing therefor of the head of the department to be affected by said ordinance.

Restrictions  
on common  
council.

Increase of  
salaries.

SEC. 103. It shall be the duty of the common council to provide for the accountability of all officers and other persons to whom the receipt or expenditure of the funds of the city shall be intrusted, by requiring from them sufficient security for the performance of their duties or trust, which security shall be annually renewed; but the security first taken shall remain in force until new security shall be given.

Security to  
be required  
of officers.

SEC. 104. All contracts to be made or let by authority of the common council for work to be done or supplies to be furnished, except printing and advertising, and all sales of personal property in the custody of the several departments or bureaux, shall be made by the appropriate heads of departments under such regulations as shall be established by ordinances of the common council. Whenever

Contracts to  
be made by  
heads of de-  
partments.

Work to be  
let by con-  
tract.

any work is necessary to be done to complete or perfect a particular job, or any supply is needful for any particular purpose, which work and job is to be undertaken or supply furnished for the corporation, and the several parts of the said work or supply shall together involve the expenditure of more than one thousand dollars, the same shall be by contract, under such regulations concerning it as shall be established by ordinance of the common council, unless by a vote of three fourths of the members elected to each board it shall be otherwise ordered; and all contracts shall be entered into by the appropriate heads of departments, and shall be founded on sealed bids or proposals made in compliance with public notice duly advertised in newspapers of the city, said notice to be published at least ten days; and all such contracts, when given, shall be given to the lowest bidder, the terms of whose contract shall be settled by the counsel to the corporation as an act of preliminary specification to the bid or proposal, and who shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance; and the adequacy and sufficiency of this security shall, in addition to the justification and acknowledgment, be approved by the comptroller. All bids or proposals shall be publicly opened by the officers advertising for the same, and in the presence of the comptroller. If the lowest bidder shall neglect or refuse to

When other-  
wise let.

Contracts to  
be adver-  
tised.

Bids to be  
publicly  
opened.

accept to contract within forty-eight hours after written notice that the same has been awarded to his bid or proposal, it shall be re-advertised and relet as above provided.

SEC. 105. All property sold under the authority of the common council shall be sold at auction, after previous public notice, under the superintendence of the appropriate head of department. Every contract, when made and entered into, as before provided for, shall be executed in duplicate, and shall be filed in the department of finance; a receipt for each payment, made on account of or in satisfaction of the same, shall be indorsed on the said contract by the party receiving the warrant, which warrant shall be only given to the person interested in such contract, or his authorized representative. The proceeds of all sales made under and by virtue of this section shall be by the officer receiving the same immediately deposited with the chamberlain, and the account of sales verified by the officer making the sales shall be immediately filed in the office of the comptroller. No expenditure for work or supplies, involving an amount for which no contract is required, shall be made except the necessity therefor be certified to by the head of the appropriate department, and the expenditure has been duly authorized and appropriated.

Sales of property to be by auction.

Payment of contractors.

Expenditures to be certified as necessary by heads of departments.

Certificates  
of appoint-  
ment.

SEC. 106. Whenever the mayor shall appoint any officer under this act, he shall give to the said officer a certificate of appointment, and therein designate the term for which such officer has been appointed.

No appoint-  
ments to be  
made by  
acting  
mayor.

SEC. 107. The power of making appointments herein conferred shall only be exercised by the mayor elected to that office, and not by an acting mayor, and in the event of the death, resignation, or removal of such elected mayor, such power shall devolve on and be exercised by the comptroller of said city. In case of any vacancy in any head of department or chief officer thereof, it shall be filled for the full term in the like manner as if it were an original appointment to such office, except where herein otherwise provided for.

Appoint-  
ments to  
vacancies to  
be for full  
term.

Oath of  
office to be  
taken.

SEC. 108. Every person elected or appointed to any office under the city government shall, on or before the first day of January next succeeding such election, or within five days after notice of such appointment, take and subscribe, before the mayor, or any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office; which oath or affirmation shall be filed in the office of the mayor.

Penalties for  
violation of  
charter by  
officers.

SEC. 109. Any officer of the city government, or person employed in its service, who shall wilfully violate or evade



any of the provisions of this act, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person so to convert it, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city; and any person who shall wilfully swear falsely in any oath or affirmation required by this act shall be guilty of perjury.

SEC. 110. No officer of the city government, except a collector of city revenue, a collector of assessments, a clerk of arrears, or counsel to the corporation, shall have or receive from the corporation or city treasury any perquisites or any compensation or commission for his services, in addition to his salary.

Perquisites to officers forbidden, with exceptions.

SEC. 111. The salaries of all officers provided for by this act, except of such as are hereinbefore mentioned, or of any office that may be created by the common council for the purpose of giving effect to the provisions of this act, shall be prescribed by ordinance or resolution to be passed by the common council, and approved as hereinbefore provided for the approval of ordinances or resolutions; and any fees that shall hereafter be provided for any officer under this act, except as aforesaid, shall on the receipt thereof be paid by such officer into the city treasury.

Salaries of officers, how fixed.

Securities  
for financial  
officers.

SEC. 112. All officers or other persons to whom the receipts or expenditures of the city, or fees or funds payable into the city treasury, shall be intrusted, shall give sufficient security for the faithful performance of their duty, in such form and amount as the comptroller may prescribe, which security shall be annually renewed.

Defaulters  
cannot be  
contractors.

SEC. 113. No bid shall be accepted from, or contract awarded to, any person who is in arrears to the corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the corporation.

Penalties for  
bribing  
officers, or  
accepting  
bribes.

SEC. 114. Every person who shall promise, offer, or give, or cause, or aid, or abet in causing to be promised, offered, or given, or furnish or agree to furnish, in whole or in part, to be promised, offered, or given to any member of the common council, or any officer of the corporation, after his election as such member, or before or after he shall have qualified and taken his seat, any moneys, goods, right in action, or other property, or any thing of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment, or action on any question, matter, cause, or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not

exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every officer in this section enumerated, who shall accept any such gift or promise, or undertaking to make the same under any agreement, or understanding that his vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any question, matter, cause, or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust, or appointment under the city of New York, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury, or in any court, in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

SEC. 115. And no member of the common council, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation shall be directly

City officers  
cannot be  
interested in  
contracts.

or indirectly interested in any contract, work, or business, or the sale of any article, the expense, price, or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of the common council; nor in the purchase of any real estate, or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the said corporation.

Commissioners of sinking fund.

SEC. 116. There shall continue to be, as now provided and recognized by special laws and ordinances, a board of commissioners of the sinking fund, composed of the mayor, recorder, chamberlain, comptroller, and chairmen of the respective finance committees of each board of the common council, with all the powers and duties now assigned, designated, and ratified by existing laws and ordinances. [*Amended by adding at the end of the said section these words—sec. 9, chap. 574, laws of 1871.*]

Power to sell city property.

The said board shall have power to sell or lease, for the highest marketable price or rental, at public auction or by sealed bids, and always after public advertisement and appraisal under the direction of said board, any city property. But if said property be market property it shall not be sold or leased unless under a condition that the purchaser or lessee thereof shall maintain said market property as and for the pur-

Restriction as to sale of market property.

poses of a public market, for at least ten years from and after such sale or lease, and under due ordinances of the common council or of the board of health, or under stipulations in the deed of sale or lease. The proceeds of said sale or leasing shall, on receipt thereof, after paying necessary charges, be immediately paid to the credit of the sinking fund.] Proceeds to go to sinking fund.

§ 11. [*Of chap. 383, laws of 1870.*] It shall be lawful for the commissioners of the sinking fund of the city of New York in their discretion, and they are hereby empowered in such discretion, to cancel any portion of the indebtedness of the said city, held by them, which is by law redeemable from the sinking fund, and to sell any stocks and bonds which they may hold that are not payable from said fund, and with the proceeds of such sale of stocks and bonds to buy any other stocks and bonds which are payable from said fund. May cancel certain indebtedness.

§ 12. [*Of chap. 383, laws of 1870.*] The commissioners of the sinking fund are hereby authorized and empowered to assign to the board of education of the city of New York such property belonging to the city north of Fortieth street as they may deem suitable for the erection of an edifice for the normal school, and on such conditions as they shall deem To assign property for a normal school.

proper and for the use of said board. The normal school under the charge of said board shall hereafter be known as the normal college of the city of New York.

SEC. 117. Whenever the mayor and comptroller shall agree that a proper case exists for exempting, within the city of New York, from assessment any church, hospital, charitable institution, or free library, in accordance with the principle of like provisions heretofore adopted in the laws of the state, they may file a certificate to that effect with the proper board of assessors, and in the finance department; whereupon such exemption shall be final, and the amount of the proper assessment be charged against the city as if city property.

Certain property may be exempted from taxation.

SEC. 118. All elections for all city officers and school officers except the one in May, eighteen hundred and seventy, shall be held at the general election in November in each year, and the officers elected shall take office on the first Monday of January next succeeding, unless herein otherwise provided. All the provisions of law now in force in regard to the duration, manner of conducting elections, and canvass and estimate of votes at general elections, shall apply to each election of city officers.

Time for elections.

SEC. 119. [*As amended by sec. 18, chap. 574, laws*

*of 1871.*] The mayor, comptroller, commissioner of public works, the commissioners of taxes and assessments for the city and county of New York, the counsel to the corporation, and the president of the department of public parks shall hereafter together form a board to be known as "the board of street opening and improvement," in place and stead of the board of street openings heretofore constituted by law, and shall have all the powers and authority as to laying out, opening, widening, straightening, extending, altering, and closing streets or avenues or parts of streets or avenues in that part of the city of New York south of Fifty-ninth street, now in any manner otherwise conferred and vested by any other law or provision thereof, or under existing laws which relate to altering the map or plan of said city; and the said board are hereby authorized and empowered, whenever they may deem it for the public interest so to do, to alter the map or plan of New York city so as to lay out new streets in said part of said city, and from time to time to cause maps, showing the several streets or avenues so laid out, opened, widened, straightened, extended, altered, or closed by them, to be certified by them and filed, one in the office of the department of public works of said city, and one in the office of the counsel to the corporation of said city,

Board of street openings.

How composed.

Powers and authority.

Corporation  
counsel to  
take pro-  
ceedings.

and it shall be the duty of the said counsel to the corporation, on the filing of said maps in his office, together with a requisition in writing of said board, immediately to take proceedings in the name of the mayor, aldermen, and commonalty of said city, to acquire title for the use of the public to the land required for the streets or avenues so laid out, opened, widened, straightened, extended, or altered, and for that purpose to make application to the supreme court in the first judicial district and in such manner as the said board shall direct for the appointment of commissioners of estimate and assessment, indicating in such application the land required for that purpose by reference to said maps on file as aforesaid; and the proceedings to acquire title to such lands shall be had pursuant to such acts as shall be then in force relative to the opening, straightening, extending, widening, or altering streets, roads, avenues, and public squares and places in the city of New York, which said acts, so far as the same are not inconsistent with the provisions of this section, are hereby made applicable to the streets and avenues or parts of streets and avenues so laid out, opened, widened, straightened, extended, and altered, and to the proceedings authorized hereby, except that the commissioners of estimate and assessment who may be appointed by the

Commis-  
sioners of  
estimate and  
assessment.



supreme court for acquiring title to any land required for the purposes of this section may assess therefor Assessments. all such parties and persons, lands and tenements, as they may deem to be benefited by such improvement, and to the extent and amount which they may deem such parties, persons, lands, and tenements benefited thereby; and the said board is also authorized and empowered to close all such streets and avenues, or such parts thereof, as they may deem for the public interest so to do, and to direct the said counsel to the corporation to take such proceedings in the name of the mayor, aldermen, and commonalty for the closing of such streets or avenues or parts thereof, as are now or shall be then provided by law, who shall thereupon apply to the supreme court for the appointment of commissioners of estimate and assessment in the matter of the closing of said street, avenue, or part thereof, in the manner provided by law. And said board is also authorized and empowered to discontinue any and all legal proceedings taken for laying out, opening, widening, straightening, extending, altering, or closing streets or avenues, or parts of streets or avenues, south of Fifty-ninth street, under this act, at any time before the confirmation of the report of the commissioners of estimate and assessment in such proceedings, if in the opinion of said

board the public interest requires such discontinuance, and with power to cause new proceedings to be taken in such cases for the appointment of new commissioners. A majority of said board shall constitute a quorum, but the vote of a majority of all the members thereof shall be necessary to any act of said board.

Quorum.  
Majority  
vote  
sufficient.

§ 4. [*Of chap. 383, laws of 1870.*] The board of supervisors of the county of New York shall raise by tax, in the year eighteen hundred and seventy, and every year thereafter, the amount necessary to pay the interest on the bonds of the city of New York, issued and authorized to be issued, as provided by section eight of chapter six hundred and ninety-seven of the laws of eighteen hundred and sixty-seven.

Interest on  
bonds.

§ 5. [*Of chap. 383, laws of 1870.*] The comptroller of the city of New York is authorized to borrow, from time to time, on the credit of the corporation, in anticipation of its revenues, and not to exceed in amount the amount of such revenues, such sums as may be necessary to meet expenditures under the appropriations for each current year.

Comptroller  
may borrow  
on revenue  
bonds.

§ 17. [*Of chap. 383, laws of 1870.*] No action shall be maintained against the mayor, aldermen,

Action  
against  
the city.

and commonalty of the city of New York, unless the claim on which the action is brought has been presented to the comptroller, and he has neglected for thirty days after such presentment to pay the same. Before any execution shall be issued on any judgment recovered upon such a claim, a notice of the recovery thereof shall also be given to the comptroller, and he shall be allowed ten days to provide for its payment by the issue of revenue bonds in the usual manner according to law.

Restriction  
on execution.

§ 49. [*Of chap. 383, laws of 1870.*] The court of special sessions of the peace in and for the city and county of New York shall hereafter be held by those two police justices of the city of New York who shall be designated for that purpose by the mayor of said city, under his hand and seal, within thirty days after the passage of this act, whereupon they shall, in holding said court, exclusively possess all the powers and duties now possessed by justices of said court, and also the power to adopt court rules, and to appoint, and, at pleasure, remove all clerks, stenographers, and other officers in said court. In the event of any vacancy, the mayor shall immediately in like manner aforesaid designate any other police justice to fill it. In case of any disability of

Court of  
special ses-  
sions.

By whom  
to be held.

Powers and  
duties.

Vacancies or  
disability,  
how pro-  
vided for.

either of the two police justices to hold court, it shall be legal for the other to hold it while such disability continues. All provisions of law inconsistent herewith are repealed.

Salaries of  
civil justices.

§ 1. [*Of chap. 383, laws of 1870.*] \* \* \* The mayor and comptroller are hereby authorized to fix the salaries of the civil justices of said city (or any or either of them) as they may deem the legal business of the respective districts to justify, not exceeding the salary now paid to the police justices of said city. \* \* \*

City excepted  
from certain  
laws.

SEC. 120. The city of New York is hereby excepted from the provisions of an act entitled an act to establish a metropolitan police district, and to provide for the government thereof, passed April fifteenth, eighteen hundred and fifty-seven, and of the acts amendatory thereof, and any sections of statutes and provisions of law which created said district are hereby repealed; and the city of New York is also hereby excepted from the provisions of the act entitled an act to create a metropolitan sanitary district and board of health therein for the preservation of life and health, and to prevent spread of disease, passed February twenty-sixth, eighteen hundred and sixty-six, and of the acts amendatory thereof, and any sections of statutes and provisions of law which created said district

are hereby repealed; and the city of New York is also hereby excepted from the provisions of an act entitled an act to create a metropolitan fire district, and establish a fire department therein, passed March thirtieth, eighteen hundred and sixty-five, and the acts amendatory thereof, and any sections of statutes and provisions of law which created said district are hereby repealed. The act to amend the charter of the city of New York, passed April seventh, eighteen hundred and thirty; and the act to amend the charter of the city of New York, passed April second, eighteen hundred and forty-nine; and the act to amend an act entitled an act to amend the charter of the city of New York, passed April second, eighteen hundred and forty-nine, passed July eleventh, eighteen hundred and fifty-one; and the act further to amend the charter of the city of New York, passed April twelfth, eighteen hundred and fifty-three; and the act supplementary to an act entitled an act further to amend the charter of the city of New York, passed April twelfth, eighteen hundred and fifty-three, passed June fourteenth, eighteen hundred and fifty-three; and the act to amend the charter of the city of New York, passed April fourteen, eighteen hundred and fifty-seven; and the act relative to the charter of the city of New York, passed April three, eighteen hundred and sixty-three; and the act to amend the charter of the city of New York, passed

Certain laws  
repealed.

August thirty-one, eighteen hundred and sixty-eight, are hereby repealed; and all acts, or parts of acts, inconsistent with the provisions of this act, are also hereby repealed; but the charters of the city of New York, known as the Dongan and Montgomerie charters, so far as the same or either of them are now in force, shall continue and remain in full force, and shall not be construed as repealed, modified, or in any manner affected thereby.

This section shall not prejudice or affect any right accrued or legal proceeding commenced by reason of any thing contained in the acts hereby repealed, and so accrued and commenced before this act takes effect; nor shall this section be so construed as to abrogate or repeal any provisions of acts heretofore enacted, which acts provide in any way for the raising or collecting of revenues in the city of New York, commonly called tax levies.

Dongan and Montgomerie charters to remain in force.

Accrued rights, &c., reserved.

Provisions of tax laws not abrogated.

SEC. 121. This act shall take effect immediately.

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